











THE  
C O M P A C T  
WITH THE  
C H A R T E R A N D L A W S  
OF THE  
COLONY OF NEW PLYMOUTH:  
TOGETHER  
WITH THE CHARTER OF THE COUNCIL AT PLYMOUTH,  
AND  
AN A P P E N D I X,  
CONTAINING THE  
Articles of Confederation of the United Colonies of New England,  
AND  
OTHER VALUABLE DOCUMENTS.

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PUBLISHED AGREEABLY TO A RESOLVE, PASSED APRIL 5, 1836.

UNDER THE SUPERVISION OF  
WILLIAM BRIGHAM,  
Counsellor at Law.



**Boston:**  
DUTTON AND WENTWORTH, PRINTERS TO THE STATE,  
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1836.



## ADVERTISEMENT.

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By a Resolve of the Legislature, passed on the fifth day of April, 1836, it was ordered, that fifteen hundred copies of the Laws of the Old Colony should be published for the use of the Commonwealth, and His Excellency the Governor was authorized to appoint a Superintendent of the printing and publishing of the same. Under that Resolve, the subscriber had the honor of an appointment, and in discharging the duties of his office, he has endeavored to carry into effect the liberal views of the Legislature, and to prepare the work in a manner which he hopes will be acceptable to the public. A large portion of the volume has never before been published, and was taken from manuscript records—the originals of which are now in the Registry of Deeds for the County of Plymouth. The attention of the Legislature appears to have been first directed to these records in 1818, when a Committee, consisting of Rev. James Freeman, D. D., and Benjamin R. Nichols and Samuel Davis, Esquires, was appointed, with authority “to examine them, and if they should find the same of right belonging to the Commonwealth, they shall have power to take the same into their custody, for the purpose of a full examination; and they are requested to report how far, in their opinion, it may be proper to have the same deposited in the Archives of the Secretary of the State, for the use of legislators, historians, and antiquarians, and how far it may be useful to multiply copies of the whole, or any part of them, for the use of all the people.”

This Committee reported their doings to the General Court at its next session, and gave the following account of these records, viz: “The Old Colony records consist of twelve volumes in folio, and the Charter engrossed on parchment. The volumes are marked 1, 2, 4, 5, 6, 7, 8, 12, 15, 16. Though it does not appear that

any volumes have been lost, yet there are none with the marks 3, 9, 10, 13, 14. But several of the volumes contain two or more parts, which circumstance probably prevented the volumes being marked in a continued series of numbers."

"The general contents of the volumes are the Acts and Resolves of the Legislature:—judicial proceedings of the Court of Assistants, consisting of civil and criminal cases, and the settlement of estates of persons deceased:—Orders of the Council of War, military transactions and appointments of commissioned officers:—names of the freemen admitted, and the selectmen of towns,—registers of births, marriages, and deaths,—admonitions to churches, and recommendations and addresses to the people,—grants of land,—records of wills and deeds,—a variety of miscellaneous matters, which cannot be classed under any particular head. These several articles are blended together in the same volume, and frequently on the same page, and different parts of a volume are bound together, with leaves inverted and misplaced, and without regard to dates."

This Committee further say, "that they have not been able to discover whether any arrangement was made respecting these records before the union of Plymouth with Massachusetts, or by the Province afterwards; but it was undoubtedly concluded at the time of the union, as it will probably be thought now that it would be inconvenient and injurious to the inhabitants of the Old Colony to remove from them the deeds and other titles to their estates, which cannot be separated from the Acts of their General Court." They recommend "that copies be multiplied by printing the most interesting articles, so that they may be read with ease by all whose curiosity, taste or studies, may lead them to the examination."

The same Committee was subsequently directed to cause certain portions of the records to be transcribed. This duty was performed in a very faithful and satisfactory manner by Benjamin R. Nichols, Esq., whose labours are best described by the use of his own language. He says, "the original records being in great

confusion and much defaced, he found it necessary to arrange them anew, according to their dates and subject matter, and to make full indexes to them. He also had them interleaved and new-bound. The original Charter of the Colony being considerably defaced, he had it repaired, and placed in a port folio."

"The records are now so arranged," he continues, "that the legislative proceedings or court orders form six separate volumes—the wills and inventories four—deeds six—laws one—acts of commissioners of the United Colonies two. There is also an imperfect volume of said commissioners' original minutes—one volume of Indian deeds—Treasurer's accounts and lists of freemen, and one volume of actions, marriages, births, and deaths, making twenty-two volumes of original records."

"The copies made from the above form eleven folio volumes, and are indexed like the originals. All the laws and legislative proceedings are copied, with as much of the other records as was thought to be useful or interesting to the public. The parts not copied are most of the private deeds, actions, wills and inventories. Care has been taken to preserve in the copies the original orthography and paging"

Such is the source from which this volume has been formed. The design of preserving the laws as near their original form as possible has been kept constantly in view, and for this purpose their chronological arrangement has been preserved, and the ancient orthography retained. This arrangement exhibits more fully than any other the progress of public opinion in legislation, and the changes which took place, from time to time, in the laws, corresponding to those in the condition, wants and institutions of the Colony. For some purposes, it would undoubtedly have been more convenient to have had all the laws relating to the same subject published under one head, but this would have changed their original form, and by separating the acts of the same year, which, though upon different subjects, are often connected, and sometimes grow out of each other, it would have been more difficult to have observed the spirit of the people as embodied in their laws—and thus one of the ob-

jects of this publication would have been defeated. The extensive jurisdiction of the General Court acting sometimes as a legislative assembly, and at others as a court of justice has made it difficult in many cases to make a distinction between what are properly denominated laws, and the mere court orders or resolutions. This difficulty was much increased by the fact that these laws, resolutions and orders, were adopted frequently at the same meeting of the General Court, consisting sometimes of the governor, assistants, and deputies, or committees, as they were called, and sometimes of the whole body of freemen. In all cases of doubt, however, or where the orders or resolutions are matters of interest, they are published in their chronological order with the laws, such a course being thought more in accordance with the design of the work, and giving it a higher historical interest and value.

The work is divided into three parts : the first containing all the laws from the settlement of the Colony to 1658 ; the second all the laws found in the records from that period to its union with Massachusetts, and the third the general revised laws, which were adopted and printed in 1671, together with portions of the edition of the laws published in 1685. Other divisions might perhaps have been made with equal propriety, corresponding with other important eras in the history of the Colony, but these seemed to be the only ones necessary.

The first revision of the laws was in 1636, and this may be regarded the first important era in their history, or perhaps with more propriety the origin of the legislation of the Colony. Previous to this period, there had been but few laws made, and still fewer committed to record. There was no secretary but the governor, and the people acted rather as a voluntary association governed by a majority, than as a political community guided and controlled by standing laws. In this revision most of the laws which had before been adopted, were re-enacted, and such others as became necessary to define more clearly the rights and privileges of the members of a growing community. The Committee chosen to prepare them consisted of the Governor and Assistants, and

William Brewster, Ralph Smith, John Done and John Jenny, of Plymouth; Jonathan Brewster and Christopher Wadsworth, of Duxbury; James Cudworth, and Anthony Annable, of Scituate.

No other revision of the laws was made till 1658. They were then scattered through voluminous records, and it became necessary to collect them together, and to make such amendments as the community demanded. The Committee for this purpose consisted of William Collyare, Timothy Hatherley, John Alden, James Cudworth, and Josias Winslow. The volume which they prepared was accepted by the General Court, and the secretary was directed to send a manuscript copy of them to each of the towns in the Colony. It was also ordered that the towns should furnish paper for the secretary, and that the laws should be publicly read in each town once a year. This collection of laws are not published together in this volume, but are arranged under the year when they were originally enacted, with a note of their having been re-enacted in 1658. The title page, and the Address to the Inhabitants are preserved, and are published in the beginning of Part II., with such portions of the collection as were then for the first time enacted, or had received material alterations.

The third revision of the laws was made in 1671. This was not like that of 1658—a mere collection, but a complete digest of all the laws then in force. It was prepared by a Committee, consisting of the Governor, the Major, Thomas Hinckley, and John Walley, and was the first edition of the laws printed. It is published entire in Part III. In 1673, the court ordered “that nothing shall stand in force in our written book of laws, but what the printed laws refer unto.”

In 1684, “the Governor, Mr. Barnabas Laythrop, Capt. Walley, Capt. Laythorp, and Capt. Thomas, were appointed to view the laws of the Colony, and to reduce them into better order.” They prepared a new digest of them incorporating such as had been enacted subsequent to the last revision, and changing, in some respects their arrangement. This was printed and published in 1685. Such portions of it as are not found in the other laws,

and as are of historical interest are published in Part III. Of this there is no manuscript record preserved, and it was the last edition of the laws of the Colony which has been published.

Besides the acts and orders of the General Court, the Compact and Charter of the Colony, the Charter of the Council at Plymouth, other rare and valuable papers and documents are published in the Appendix. Some of these may be considered a part of the public law of the Colony, and necessary to a right understanding of it. Others have a deep historical interest. It was therefore thought a favorable opportunity to present them together in one volume, so that they could be within the reach of all, who have a desire to learn the history and character of the Colony of New Plymouth, either from its constitution of government, its legislation, or its public policy.

WILLIAM BRIGHAM.

*Boston, November, 1836.*



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## PART I.

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THE  
G R E A T P A T E N T  
OF  
N E W E N G L A N D .

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CHARTER OF THE COUNCIL ESTABLISHED AT PLYMOUTH, IN THE  
COUNTY OF DEVON, FOR THE PLANTING, RULING, ORDERING  
AND GOVERNING OF NEW ENGLAND IN AMERICA.

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JAMES, by the grace of God, King of England, Scotland, France and Ireland, Defender  
of the Faith, &c.

To all whom these presents shall come, greeting :—Whereas,  
upon the humble petition of divers of our well disposed subjects, that  
intended to make several plantations in the parts of America, be-  
tween the degrees of thirtyfour and fortyfive, We, according to our  
princely inclination, favoring much their worthy disposition, in hope  
thereby to advance the enlargement of the christian religion, to the  
glory of God Almighty, as also by that means to stretch out the  
bounds of our dominions, and to replenish those deserts with people,  
governed by laws and magistrates, for the more peaceable commerce  
of all that in time to come shall have occasion to traffic into those  
territories, granted unto Sir Thomas Gates, Sir George Summers,  
knights, Thomas Hamon, and Raleigh Gilbert, Esquires, and others  
their associates, for the more speedy accomplishment thereof, by our  
letters patent, bearing date the 10th day of April, in the fourth year  
of our reign of England, France, and Ireland, and of Scotland the  
fortieth, free liberty to divide themselves into two several colonies :  
the one called the first colony, to be undertaken and advanced by  
certain knights, gentlemen, and merchants, in and about our city of  
London ; the other, called the second colony, to be undertaken and

Recital of a former grant.

advanced by certain knights, gentlemen, merchants, and their associates, in or about our cities of Bristol, Exon, and our town of Plymouth, and other places, as in and by our said letters patents, amongst other things more at large, it doth and may appear.

The first colony is made a distinct body.

And whereas, since that time, upon the humble petition of the said adventurers and planters of the said first colony, we have been graciously pleased to make them one distinct and entire body by themselves, giving unto them their distinct limits and bounds:

And have, upon their like humble request, granted unto them divers liberties, privileges, enlargements, and immunities, as in and by our several letters patents, it doth and may more at large appear.

Recital of the reasons for making the second colony a distinct body.

Now forasmuch as we have been, in like manner, humbly petitioned unto by our trusty and well beloved servant, Sir Ferdinando Gorges, knight, captain of our fort and island, by Plymouth, and by certain the principal knights and gentlemen adventurers of the said second colony, and by divers other persons of quality, who now intend to be their associates, divers of which have been at great and extraordinary charges, and sustained many losses, in seeking and discovering a place fit and convenient to lay the foundation of a hopeful plantation, and have, divers years past, by God's assistance, and their own endeavors, taken actual possession of the continent hereafter mentioned, in our name, and to our use, as sovereign lord thereof, and have settled already some of our people in places agreeable to their desires in those parts, and in confidence of prosperous success therein, by the continuance of God's divine blessing, and our royal permission, have resolved, in a more plentiful and effectual manner, to prosecute the same; and to that purpose and intent, have desired of us, for their better encouragement and satisfaction therein, and that they may avoid all confusion, questions, or differences, between themselves and those of the said first colony, that we would likewise be graciously pleased to make certain adventurers, intending to erect and establish fishery, trade, and plantation within the territories, precincts, and limits of the said second colony, and their successors, one several distinct and entire body, and to grant unto them such estate, liberties, privileges, enlargements and immunities there, as are in those, our letters patents, hereafter particularly expressed and declared.

And forasmuch as we have been certainly given to understand, by divers of our good subjects, that have, for these many years past, frequented those coasts and territories between the degrees of forty and fortyeight, that there is no other the subjects of any christian king or state, by any authority from their sovereign lords or princes,

actually in possession of any of the said lands or precincts, whereby any right, claim, interest, or title, may, might, or ought, by that means accrue, belong, or appertain unto them, or any of them.

And also, for that we have been further given certainly to know, that within these late years, there hath, by God's visitation, reigned a wonderful plague, together with many horrible slaughters and murders, committed amongst the savages and British people there heretofore inhabiting, in a manner to the utter destruction, devastation, and depopulation of that whole territory, so as there is not left, for many leagues together, in a manner, any that do claim or challenge any kind of interest therein, nor any other superior lord or sovereign, to make claim thereunto, whereby we, in our judgment, are persuaded and satisfied, that the appointed time is come in which Almighty God, in his great goodness and bounty towards us, and our people, hath thought fit and determined, that those large and goodly territories, deserted as it were by their natural inhabitants, should be possessed and enjoyed by such of our subjects and people, as heretofore have, and hereafter shall, by his mercy and favor, and by his powerful arm, be directed and conducted thither; in the contemplation and serious consideration whereof, we have thought it fit, according to our kingly duty, so much as in us lieth, to second and follow God's sacred will, rendering reverend thanks to his Divine Majesty, for his gracious favor in laying open and revealing the same unto us, before any other christian prince or state; by which means, without offence, and, as we trust, to his glory, we may with boldness go on to the settling of so hopeful a work, which tendeth to the reducing and conversion of such savages as remain wandering in desolation and distress, to civil society and christian religion, to the enlargement of our own dominions, and the advancement of the fortunes of such of our good subjects as shall willingly interest themselves in the said employment, to whom we cannot but give singular commendations for their so worthy intention and enterprise.

We, therefore, of our special grace, mere motion, and certain knowledge, by the advice of the lords and others of our privy council, have, for us, our heirs, and successors, granted, ordained, and established, and, in and by these presents, do, for us, our heirs, and successors, grant, ordain, and establish, that all that circuit, continent, precincts, and limits, in America, lying and being in breadth from forty degrees of northerly latitude from the equinoctial line, to forty-eight degrees of the said northerly latitude, and in length by all the breadth aforesaid, throughout the main land, from sea to sea, with all the seas, rivers, islands, creeks, inlets, ports, and havens,

Boundaries of the colony.

within the degrees, precincts, and limits of the said latitude and longitude, shall be the limits, and bounds, and precincts of the said second colony.

To be called New  
England, in  
America.

And to the end that the said territories may forever hereafter be more particularly and certainly known and distinguished, our will and pleasure is, that the same shall, from henceforth, be nominated, termed, and called by the name of New England, in America, and by that name of New England, in America, the said circuit, precinct, limit, continent, islands, and places in America aforesaid, we do, by these presents, for us, our heirs, and successors, name, call, erect, found, and establish, and by that name to have continuance forever.

To consist of 40  
persons.

Name of the cor-  
poration.

And for the better plantation, ruling, and governing of the aforesaid New England, in America, we will, ordain, constitute, assign, limit, and appoint, and for us, our heirs, and successors, we, by the advice of the lords, and others of the said privy council, do, by these presents, ordain, constitute, limit, and appoint, that from henceforth there shall be forever hereafter, in our town of Plymouth, in the county of Devon, one body politic and corporate, which shall have perpetual succession; which shall consist of the number of forty persons, and no more; which shall be, and shall be called and known by the name of the council established at Plymouth, in the county of Devon, for the planting, ruling, ordering, and governing of New England, in America, and for that purpose, we have, at and by the nomination and request of the said petitioners, granted, ordained, established, and confirmed, and, by these presents, for us, our heirs, and successors, do grant, ordain, establish, and confirm our right trusty and right well beloved cousins and counsellors, Lodowick, duke of Lenox, lord steward of our household; George, lord marquis Buckingham, our high admiral of England; James, marquis Hamilton; William, earl of Pembroke, lord chamberlain of our household; Thomas, earl of Arundel; and our right trusty and right well beloved cousin, William, earl of Bath; and our right trusty and right well beloved cousin and counsellor, Henry, earl of Southampton; and our right trusty and right well beloved cousins, William, earl of Salisbury, and Robert, earl of Warwick; and our right trusty and right well beloved John, viscount Haddington; and our right trusty and well beloved counsellor, Edward, Lord Zouch, lord warden of our cinque ports; and our trusty and well beloved Edmond, lord Sheffield, Edward, lord Gorges; and our well beloved Sir Edward Seymour, knight and baronet; Sir Robert Mansel; Sir Edward Zouch, our knight marshal; Sir Dudley Diggs, Sir Thomas Roe, Sir Fer-

dinando Gorges, Sir Francis Popham, Sir John Brooks, Sir Thomas Gates, Sir Richard Hawkins, Sir Richard Edgecomb, Sir Allen Apsley, Sir Warwick Heale, Sir Richard Catchmay, Sir John Bourghier, Sir Nathaniel Rich, Sir Edward Giles, Sir Giles Mompesson, Sir Thomas Worth, knights; and our well beloved Matthew Sutcliff, dean of Exeter; Robert Heath, Esq. recorder of our city of London; Henry Bourghier, John Drake, Raleigh Gilbert, George Chudley, Thomas Hamon, and John Argall, Esquires, to be, and in and by these presents, we do appoint them to be, the first modern and present council, established at Plymouth, in the county of Devon, for the planting, ruling, ordering, and governing of New England, in America; and that they, and the survivors of them, and such as the survivors and survivor of them shall, from time to time, elect and choose to make up the aforesaid number of forty persons, when and as often as any of them, or any of their successors, shall happen to decease, or to be removed from being of the said council, shall be, in and by these presents, incorporated, to have a perpetual succession forever, in deed, fact, and name, and shall be one body corporate and politic; and that those, and such said persons, and their successors, and such as shall be elected and chosen to succeed them, as aforesaid, shall be, and, by these presents, are and be incorporated, named, and called by the name of the council established at Plymouth, in the county of Devon, for the planting, ruling, and governing of New England, in America; and them, the said duke of Lenox, marquis Buckingham, marquis Hamilton, earl of Pembroke, earl of Arundel, earl of Bath, earl of Southampton, earl of Salisbury, earl of Warwick, viscount Haddington, lord Zouch, lord Sheffield, lord Gorges, Sir Edward Seymour, Sir Robert Mansel, Sir Edward Zouch, Sir Dudley Diggs, Sir Thomas Roe, Sir Ferdinando Gorges, Sir Francis Popham, Sir John Brooks, Sir Thomas Gates, Sir Richard Hawkins, Sir Richard Edgecomb, Sir Allen Apsley, Sir Warwick Heale, Sir Richard Catchmay, Sir John Bourghier, Sir Nathaniel Rich, Sir Edward Giles, Sir Giles Mompesson, Sir Thomas Worth, knights; Matthew Sutcliff, Robert Heath, Henry Bourghier, John Drake, Raleigh Gilbert, George Chudley, Thomas Hamon, and John Argall, Esquires, and their successors, one body corporate and politic, in deed and in name, by the name of the council established at Plymouth, in the county of Devon, for the planting, ruling, and governing of New England, in America.

Power to fill vacancies.

We do, by these presents, for us, our heirs, and successors, really and fully incorporate, erect, ordain, name, constitute, and establish, and that, by the same name of the said council, they and their

successors, forever hereafter be incorporated, named, and called, and shall, by the same name, have perpetual succession.

Power to purchase, hold and convey property.

And further, we do hereby, for us, our heirs, and successors, grant unto the said council established at Plymouth, that they, and their successors, by the same name, be, and shall be, and shall continue persons able and capable in the law, from time to time, and shall, by that name of council aforesaid, have full power and authority, and lawful capacity and ability, as well to purchase, take, hold, receive, enjoy, and to have to them and their successors, forever, any manors, lands, tenements, rents, royalties, privileges, immunities, reversions, annuities, hereditaments, goods, and chattels whatsoever, of, or from us, our heirs, and successors, and of, or from any other person or persons whatsoever, as well in and within this our realm of England, as in and within any other place or places whatsoever or wheresoever; and the same manors, lands, tenements, and hereditaments, goods, or chattels, or any of them, by the same name, to alien and sell, or to do, execute, or ordain and perform all other matters and things whatsoever, to the said incorporation and plantation concerning and belonging.

To sue and be sued.

And further, our will and pleasure is, that the said council, for the time being, and their successors, shall have full power and lawful authority, by the name aforesaid, to sue and be sued, implead and to be impleaded, answer and to be answered unto, in all manner of courts and places that now are, or hereafter shall be, within this our realm, and elsewhere, as well temporal as spiritual, in all manner of suits and matters whatsoever, and of what nature or kind soever such suits or actions be or shall be.

To choose a president.

And our will and pleasure is, that the said forty persons, or the greater number of them, shall, and may, from time to time, and at any time hereafter, at their own will and pleasure, according to the laws, ordinances, and orders of, or by them, or by the greater part of them hereafter, in manner and form in these presents mentioned to be agreed upon, to elect and choose, amongst themselves, one of the said forty persons, for the time being, to be president of the said council, which president, so elected and chosen, we will shall continue and be president of the said council, for so long time as by the orders of the said council, from time to time to be made, as hereafter is mentioned, shall be thought fit, and no longer; unto which president, or, in his absence, to any such person as, by the orders of the said council, shall be thereunto appointed, we do give authority to give order for the warning of the said council, and summoning the company to their meetings.



And our will and pleasure is, that, from time to time, when, and so often as any of the said council shall happen to decease, or to be removed from being of the said council, that then, and so often, the survivors of them of the said council, and no other, or the greater number of them, who then shall be, from time to time, left and remaining, and who shall, or the greater number of which that shall be assembled at a public court, or meeting, to be held for the said company, shall elect and choose one or more other person or persons, to be of the said council, and which, from time to time, shall be of the said council, so that the number of forty persons of the said council may, from time to time, be supplied.

Provided always, that as well the persons herein named to be of the said council, as every other counsellor hereafter to be elected, shall be presented to the lord chancellor of England, or to the lord high treasurer of England, or to the lord chamberlain of the household, of us, our heirs and successors, for the time being, to take his and their oath and oaths, of a counsellor and counsellors, to us, our heirs, and successors, for the said company and colony in New England. Oath to be taken.

And further, we will and grant, by these presents, for us, our heirs, and successors, unto the said council, and their successors, that they, and their successors, shall have and enjoy forever, a common seal, to be engraven according to their discretion. To have a common seal.

And that it shall be lawful for them to appoint what other seal, or seals, they shall think most meet and necessary, either for their use, as they are one united body, incorporate here, or for the public use of their government and ministers in New England aforesaid, whereby the said incorporation may or shall seal any manner of instrument, touching the same corporation, and the manors, lands, tenements, rents, reversions, annuities, hereditaments, goods, chattels, affairs and any other things, belonging unto, or in any wise appertaining, touching or concerning the said council, and their successors, or concerning the said corporation and plantation, in and by these our letters patents, as aforesaid, founded, erected and established. May direct what other seals shall be used.

And we do further, by these presents, for us, our heirs, and successors, grant unto the said council, and their successors, that it shall and may be lawful to and for the said council, and their successors, for the time being, in their discretions, from time to time, to admit such and so many person and persons to be made free, and enabled to trade and traffic unto, within, and in New England, aforesaid, and unto every part and parcel thereof, or to have, possess, and enjoy any lands or hereditaments in New England, aforesaid, as they shall To admit persons to trade in New England.

think fit, according to the laws, orders, constitutions, and ordinances, by the said council, and their successors, from time to time, to be made and established, by virtue of, and according to the true intent of these presents, and under such conditions, reservations and agreements, as the said council shall set down, order, and direct, and not otherwise.

To appoint such officers or agents of the company as shall be necessary.

And further, of our especial grace, certain knowledge, and mere motion, for us, our heirs, and successors, we do, by these presents, give and grant full power and authority to the said council, and their successors, that the said council, for the time being, or the greater part of them, shall and may, from time to time, nominate, make, constitute, ordain, and confirm, by such name or names, style or styles, as to them shall seem good, and, likewise, to revoke and discharge, change and alter, as well all and singular, governors, officers, and ministers, which hereafter shall be by them thought fit and needful to be made or used, as well to attend the business of the said company here, as for the government of the said colony and plantation.

To make orders and laws, provided they are not repugnant to the laws of England.

And also, to make, ordain, and establish all manner of orders, laws, directions, instructions, forms, and ceremonies of government and magistracy, fit and necessary for and concerning the government of the said colony and plantation, so always as the same be not contrary to the laws and statutes of this our realm of England, and the same at all times hereafter, to abrogate, revoke, or change, not only within the precincts of the said colony, but also upon the seas, in going and coming to and from the said colony, as they, in their good discretion, shall think to be fittest for the good of the adventurers and inhabitants there.

The governor to exercise martial law in certain cases.

And we do further, of our special grace, certain knowledge, and mere motion, grant, declare, and ordain, that such principal governor as, from time to time, shall be authorized and appointed, in manner and form in these presents heretofore expressed, shall have full power and authority to use and exercise martial laws, in cases of rebellion, insurrection, and mutiny, in as large and ample manner, as our lieutenants in our counties within our realm of England, have, or ought to have, by force of their commission of lieutenancy.

And forasmuch as it shall be necessary for all such our loving subjects as shall inhabit within the said precincts of New England aforesaid, to determine to live together, in the fear and true worship of Almighty God, christian peace, and civil quietness, each with the other, whereby every one may, with more safety, pleasure, and profit, enjoy that, whereunto they shall attain with great pain and peril.

We, for us, our heirs and successors, are likewise pleased and contented, and, by these presents, do give and grant unto the said council, and their successors, and to such governors, officers, and ministers, as shall be, by the said council, constituted and appointed according to the natures and limits of their officers and places respectively, that they shall and may, from time to time, forever hereafter, within the said precincts of New England, or in the way by the seas thither and from thence, have full and absolute power and authority to correct, punish, pardon, govern, and rule all such the subjects of us, our heirs and successors, as shall, from time to time, adventure themselves in any voyage thither, or that shall, at any time hereafter, inhabit in the precincts and territories of the said colony as aforesaid, according to such laws, orders, ordinances, directions and instructions, as by the said council aforesaid shall be established ; and, in defect thereof, in cases of necessity, according to the good discretions of the said governors and officers respectively, as well in cases capital and criminal as civil, both marine and others ; so always as the said statutes, ordinances and proceedings, as near as conveniently may be agreeable to the laws, statutes, government and policy of this our realm of England.

Powers of government.

And furthermore, if any person, or persons, adventurers, or planters, of the said colony, or any other, at any time or times hereafter, shall transport any monies, goods, or merchandizes, out of any our kingdoms, with a pretence and purpose to land, set, or otherwise to dispose the same, within the limits and bounds of the said colony, and yet, nevertheless, being at sea, or after he hath landed within any part of the said colony, shall carry the same into any other foreign country, with a purpose there to set and dispose thereof, that then all the goods and chattels of the said person, or persons, so offending, and transported, together with the ship or vessel wherein such transportation was made, shall be forfeited to us, our heirs and successors.

Penalty for exporting goods, &c. to a foreign country under pretence of carrying them to the colony.

And we do further, of our special grace, certain knowledge, and mere motion, for us, our heirs, and successors, for, and in respect of the considerations aforesaid, and for divers other good causes and considerations, us thereunto especially moving, and by the advice of the lords and others of our said privy council, have absolutely given, granted, and confirmed, and, by these presents, do absolutely give, grant, and confirm, unto the said council, called the council established at Plymouth, in the county of Devon, for the planting, ruling, and governing of New England, in America, and unto their successors, forever, all the aforesaid lands and grounds, continent, precincts, place, places, and territories, (viz.) the aforesaid part of America,

Grant.

lying and being in breadth from forty degrees of northerly latitude from the equinoctial line, to fortyeight degrees of the said northerly latitude inclusively, and in length of, and within all the breadth aforesaid, throughout the main land, from sea to sea, together also with all the firm land, soils, grounds, havens, ports, rivers, waters, fishings, mines, and minerals, as well royal mines of gold and silver, as other mines and minerals, precious stones, quarries, and all and singular other commodities, jurisdictions, royalties, privileges, franchises, and pre-eminences, both within the said tract of land, upon the main, and also within the said island and seas adjoining.

Provided the premises are not governed by any other christian prince &c.

Provided always, that the said islands, or any of the premises herein before mentioned, and by these presents, intended and meant to be granted, be not actually possessed, or inhabited by any other christian prince or state, nor be within the bounds, limits, or territories of that southern colony, heretofore, by us, granted to be planted by divers of our loving subjects in the south parts.

To be held in free and common socage as of the manor of East Greenwich.

To have and to hold, possess, and enjoy all and singular the aforesaid continent, lands, territories, islands, hereditaments, and precincts, sea waters, fishings, with all and all manner their commodities, royalties, liberties, pre-eminences, and profits, that shall arise from thence, with all singular their appurtenances, and every part and parcel thereof, and of them to, and unto the said council, and their successors, and assigns, forever, to the sole, only and proper use, benefit, and behoof of them, the said council, and their successors, and assigns, forever, to be holden of us, our heirs, and successors, as of our manor of East Greenwich, in our county of Kent, in free and common socage, and not in *in capite*, nor by knights services.

Yielding and paying one-fifth part of gold and silver ores.

Yielding and paying, therefore, to us, our heirs, and successors, the fifth part of the ores of gold and silver which, from time to time, and at all times hereafter, shall happen to be found, gotten and obtained in, at, or within any the said lands, limits, territories, and precincts, or in, or within any part, or parcel thereof, for, or in respect of all and all manner of duties, demands, and services whatsoever, to be done, made, or paid to us, our heirs, and successors.

May carry passengers to the colony.

And we do further, of our especial grace, certain knowledge, and mere motion, for us, our heirs, and successors, give and grant to the said council, and their successors, forever, by these presents, that it shall be lawful and free for them, and their assigns, at all and every time and times hereafter, out of any our realins or dominions whatsoever, to take, lead, carry, and transport, in and into their voyages, and for and towards the said plantation in New England, all such and so many of our loving subjects, or any other strangers that will be-

come our loving subjects, and live under our allegiance, or shall willingly accompany them in the said voyages and plantation, with shipping, armor, weapons, ordnances, munition powder, shot, victuals, and all manner of clothing, implements, furniture, beasts, cattle, horses, mares, and all other things necessary for the said plantation, and for their use and defence, and for trade with the people there, and in passing and returning to and fro, without paying or yielding any custom or subsidy, either inwards or outwards, to us, our heirs, or successors, for the same, for the space of seven years from the day of the date of these presents.

Provided, that none of the said persons be such as shall be here- Except such as are restrained.  
after, by special name, restrained by us, our heirs, or successors.

And, for their further encouragement, of our special grace and favor, we do, by these presents, for us, our heirs, and successors, yield and grant to, and with the said council, and their successors, and every of them, their factors and assigns, that they, and every of them, shall be free and quiet from all subsidies and customs, in New England, for the space of seven years, and from all taxes and impositions for the space of twenty and one years, upon all goods or merchandize, at any time or times hereafter, either upon importation thither, or exportation from thence, into our realm of England, or into any other our dominions, by the said council, and their successors, their deputies, factors, and assigns, or any of them, except only the five pounds per cent. due for custom upon all such goods and merchandizes as shall be brought or imported into our realm of England, or any other of our dominions, according to the ancient trade of merchants; which five pounds per centum only being paid, it shall be thenceforth lawful and free for the said adventurers, the same goods and merchandize, to export and carry out of our said dominions into foreign parts, without any custom, tax, or other duty, to be paid to us, our heirs or successors, or to any other officers or ministers of us, our heirs and successors. Provided, that the said goods and merchandizes be shipped out within thirteen months after their first landing, within any part of those dominions.

Merchandize imported to the colony or exported therefrom to be free of duty, &c.

And further, our will and pleasure is, and we do, by these presents, charge, command, warrant, and authorize the said council, and their successors, or the major part of them, which shall be present and assembled for that purpose, shall, from time to time, under their common seal, distribute, convey, assign, and set over such particular portions of lands, tenements, and hereditaments, as are, by these presents, formerly granted unto each our loving subjects, naturally born, or denizens, or others, as well adventurers as planters, as, by

Power to grant  
lands.

the said company, upon a commission of survey and distribution, executed and returned for that purpose, shall be named, appointed, and allowed, wherein our will and pleasure is, that respect be had, as well to the proportion of the adventurers, as to the special service, hazard, exploit, or merit, of any person so to be recompensed, advanced, or rewarded.

Authority of officers  
to repel enemies,  
&c.

And we do also, for us, our heirs, and successors, grant to the said council, and their successors, and to all and every such governors, or other officers, or ministers, as, by the said council, shall be appointed, to have power and authority of government and command, i or over the said colony and plantation, that they, and every of them, shall, and lawfully may, from time to time, and at all times hereafter, forever, for their several defence and safety, encounter, expulse, repel, and resist, by force of arms, as well by sea as by land, and all ways and means whatsoever, all such person and persons as, without the special license of the said council, and their successors, or the greater part of them, shall attempt to inhabit within the said several precincts and limits of the said colony and plantation.

None allowed to  
trade with the colony  
without the consent  
of the council.

And also, all and every such person and persons whatsoever, as shall enterprise or attempt, at any time hereafter, destruction, invasion, detriment, or annoyance to the said colony and plantation.

And that it shall be lawful for the said council, and their successors, and every of them, from time to time, and at all times hereafter, and they shall have full power and authority to take and surprise, by all ways and means whatsoever, all and every such person or persons whatsoever, with their ships, goods, and other furniture, trafficking in any harbor, creek, or place, within the limits and precincts of the said colony and plantation, and not being allowed by the said council to be adventurers or planters of the said colony.

And of our further royal favor, we have granted, and for us, our heirs, and successors, we do grant unto the said council, and their successors, that the said territories, lands, rivers, and places aforesaid, or any of them, shall not be visited, frequented, or traded unto by any other of our subjects, or the subjects of us, our heirs, or successors, either from any of the ports and havens, belonging, or appertaining, or which shall belong or appertain unto us, our heirs, or successors, or to any foreign prince, state, or potentate whatsoever.

All other persons  
forbidden to trade  
&c., with the colony.

And therefore, we do hereby, for us, our heirs, and successors, charge, command, prohibit, and forbid all the subjects of us, our heirs, and successors, of what degree or quality soever they be, that none of them, directly or indirectly presume to visit, frequent, trade, or adventure to traffic into, or from the said territories, lands, rivers,

and places aforesaid, or any of them, other than the said council, and their successors, factors, deputies, and assigns, unless it be with the license and consent of the said council and company, first had and obtained in writing, under their common seal, upon pain of our indignation, and imprisonment of their bodies, during the pleasure of us, our heirs, or successors, and the forfeiture and loss, both of their ship and goods, wheresoever they shall be found, either within any of our kingdoms or dominions, or any the place or places out of our dominions, and for the better effecting of our said pleasure herein, we do hereby, for us, our heirs, and successors, give and grant full power and authority unto the said council, and their successors, for the time being, that they, by themselves, their factors, deputies, or assigns, shall and may, from time to time, and at all times hereafter, attach, arrest, take, and seize all and all manner of ship and ships, goods, wares, and merchandizes whatsoever, which shall be brought from, or carried to the places before mentioned, or any of them, contrary to our will and pleasure, before in these presents expressed, the moiety, or one half of all which forfeitures, we do hereby, for us, our heirs, and successors, give and grant unto the said council, and their successors, to their own proper use, without accompt, and the other moiety, or half part thereof, we will shall be and remain to the use of us, our heirs, and successors.

And we likewise have condescended and granted, and, by these presents, for us, our heirs, and successors, do condescend, and grant to, and with the said council, and their successors, that we, our heirs, or successors, shall not, or will not, give and grant any liberty, license, or authority to any person or persons whatsoever, to sail, trade, or traffic unto the aforesaid plantations of New England, without the good will and liking of the said council, or the greater part of them, for the time being, at any their courts to be assembled.

No license to be granted to any other person to trade, &c.

And we do, for us, our heirs, and successors, give and grant unto the said council, and their successors, that whensoever, or so often as any custom or subsidy shall grow due or payable, unto us, our heirs, or successors, according to the limitation and appointment aforesaid, by reason of any goods, wares, or merchandize, to be shipped out, or any return to be made, of any goods, wares, or merchandize, unto, or from New England, or any the lands or territories aforesaid, that then, so often, and in such case, the farmers, customers, and officers of our customs of England and Ireland, and every of them, for the time being, upon request made unto them by the said council, their successors, factors, or assigns, and upon convenient security to be given in that behalf, shall give and allow unto the

Time allowed for the payment of any subsidy.

said council, and their successors, and to all person and persons free of the said company as aforesaid, six months time, for the payment of the one half of all such customs and subsidy, as shall be due and payable unto us, our heirs, and successors, for the same; for which these, our letters patents, or the duplicate, or the enrolment thereof, shall be, unto our said officers, a sufficient warrant and discharge.

Nevertheless, our will and pleasure is, that, if any of the said goods, wares, and merchandizes, which be, or shall be, at any time hereafter, landed and exported out of any our realms aforesaid, and shall be shipped with a purpose not to be carried to New England aforesaid, that then such payment, duty, custom, imposition, or forfeiture, shall be paid and belong to us, our heirs, and successors, for the said goods, wares, and merchandizes, so fraudulently sought to be transported, as if this our grant had not been made nor granted.

Power to administer oaths.

And we do, for us, our heirs, and successors, give and grant unto the said council, and their successors, forever, by these presents, that the said president of the said company, or his deputy, for the time being, or any two others of the said council, for the said colony in New England, for the time being, shall and may, at all times hereafter, and from time to time, have full power and authority to minister, and give the oath and oaths of allegiance and supremacy, or either of them, to all and every person and persons, which shall, at any time and times hereafter, go and pass to the said colony of New England.

May administer oaths to agents, &c.

And further, that it shall be, likewise, lawful for the said president, or his deputy, for the time being, or any two others of the said council, for the said colony in New England, for the time being, from time to time, and at all times hereafter, to minister such a formal oath, as by their discretions shall be reasonably devised, as well unto any person or persons employed, or to be employed in, for, or touching the said plantation, for their honest, faithful, and just discharge of their service, in all such matters as shall be committed unto them, for the good and benefit of the said company, colony, and plantation, as also unto such other person or persons as the said president, or his deputy, with two others of the said council, shall think meet, for the examination or clearing of the truth, in any cause whatsoever concerning the said plantation, or any business from thence, proceeding, or thereunto belonging.

And to the end that no lewd or ill disposed persons, sailors, soldiers, artificers, husbandmen, laborers, or others which shall receive wares, apparel, or other entertainment from the said council, or contract and agree with the said council, to go, and to serve, and to be employed in the said plantation, in the colony in New England, do



afterwards withdraw, hide, and conceal themselves, or refuse to go thither, after they have been so entertained and agreed withal, and that no persons which shall be sent and employed in the said plantation of the said colony in New England, upon the charge of the said council, do misbehave themselves by mutinous, seditious, or other notorious misdemeanors, or which shall be employed, or sent abroad by the governor of New England, or his deputy, with any ship or pinnace, for provision of the said colony, or for some discovery, or other business and affairs concerning the same, do, from thence, treacherously either come back again, or return into the realm of England, by stealth, or without license of the governor of the said colony in New England, for the time being, or be sent hither as misdoers or offenders, and that none of those persons, after their return from thence, being questioned by the said council here for such their misbehaviors and offences, do, by insolent and contemptuous carriage, in the presence of the said council, shew little respect and reverence, either to the place or authority in which we have placed and appointed them, and others, for the clearing of their lewdness and misdemeanors, committed in New England, divulge vile and slanderous reports of the country of New England, or of the government or estate of the said plantation and colony, to bring the said voyages and plantation into disgrace and contempt, by means whereof, not only the adventurers and planters already engaged in the said plantation, may be exceedingly abused, and hindered, and a great number of our loving and well disposed subjects, otherwise well affected, and inclined to join and adventure in so noble a christian and worthy an action, may be discouraged from the same, but also the enterprize itself, may be overthrown, which cannot miscarry, without some dishonor to us and our kingdom.

We, therefore, for preventing of so great and enormous abuses and misdemeanors, do, by these presents, for us, our heirs, and successors, give and grant unto the said president, or his deputy, or such other person, or persons, as, by the orders of the said council, shall be appointed, by warrant, under his or their hand or hands, to send for, or cause to be apprehended, all and every such person and persons, who shall be noted, or accused, or found, at any time or times hereafter, to offend, or misbehave themselves, in any the affairs before mentioned and expressed; and, upon the examination of any such offender or offenders, and just proof, made by oath, taken before the said council, of any such notorious misdemeanors, by them to be committed, as aforesaid, and also, upon any insolent, contemptuous, or unreverent carriage, or misbehavior, to or against the said

Council authorized to punish offenders, &c.

council, to be shewed or used, by any such person or persons, so called, convinced, and appearing before them, as aforesaid, that, in all such cases, our said council, or any two, or more of them, for the time being, shall, and may have full power and authority, either here to bind them over with good securities for their good behavior, and further therein to proceed, to all intents and purposes, as it is used in other like cases within our realm of England, or else, at their discretions, to remand and send back the said offenders, or any of them, to the said colony of New England, there to be proceeded against and punished, as the governors, deputy, or council there, for the time being, shall think meet, or otherwise, according to such laws and ordinances, as are, and shall be in use there, for the well ordering and good government of the said colony.

And our will and pleasure is, and we do hereby declare, to all christian kings, princes, and states, that, if any person or persons, which shall hereafter be of the said colony or plantation, or any other, by license or appointment of the said council, or their successors, or otherwise, shall, at any time or times hereafter, rob, or spoil, by sea or by land, or do any hurt, violence, or unlawful hostility, to any of the subjects of us, our heirs, or successors, or any of the subjects of any king, prince, ruler, or governor, or state, being then in league and amity with us, our heirs, and successors; and that, upon such injury, or upon just complaint of such prince, ruler, governor, or state, or their subjects, we, our heirs, or successors, shall make open proclamation, within any of the parts of our realm of England committed for that purpose, that the person or persons having committed any such robbery or spoil, shall, within the time limited by such a proclamation, make full restitution or satisfaction of all such injuries done, so as the said princes, or others so complaining, may hold themselves fully satisfied and contented; and if that the said person or persons, having committed such robbery or spoil, shall not make, or cause to be made, satisfaction accordingly, within such time so to be limited, that then it shall be lawful for us, our heirs, and successors, to put the said person or persons out of our allegiance and protection, and that it shall be lawful and free for all princes to prosecute with hostility the said offenders, and every of them, their and every of their procurers, aiders, abettors, and comforters in that behalf.

For offences committed by the colonists or other persons under authority of the council, restitution to be made, or—

All persons born within the colony to be free denizens and subjects of England.

Also, we do, for us, our heirs, and successors, declare, by these presents, that all and every the persons being our subjects, which shall go and inhabit within the said colony and plantation, and every of their children and posterity, which shall happen to be born within the limits thereof, shall have and enjoy all liberties, and franchises,

and immunities of free denizens and natural subjects, with any of our other dominions, to all intents and purposes, as if they had been abiding, and born within this our kingdom of England, or any other our dominions.

And lastly, because the principal effect which we can desire, or expect of this action, is the conversion of, and reduction of the people in those parts, unto the true worship of God and christian religion, in which respect we would be loath that any person should be permitted to pass, that we suspected to affect the superstition of the church of Rome, we do hereby declare, that it is our will and pleasure, that none be permitted to pass in any voyage, from time to time to be made into the said country, but such as shall first have taken the oath of supremacy ; for which purpose, we do, by these presents, give full power and authority to the president of the said council, to tender and exhibit the said oath to all such persons as shall, at any time, be sent and employed in the said voyage.

None permitted to visit the colony without having first taken the oath of supremacy.

And we also, for us, our heirs, and successors, do covenant and grant to, and with the council, and their successors, by these presents, that if the council, for the time being, and their successors, or any of them, shall, at any time or times hereafter, upon any doubt which they shall conceive, concerning the strength or validity in law, of this our present grant, or be desirous to have the same renewed and confirmed by us, our heirs, and successors, with amendments of such imperfections and defects, as shall appear fit and necessary to the said council, or their successors, to be reformed and amended, on the behalf of us, our heirs, and successors, and for the furthering of the plantation and government, or the increase, continuing, and flourishing thereof, that then, upon the humble petition of the said council, for the time being, and their successors, to us, our heirs, and successors, we, our heirs, and successors, shall and will, forthwith, make and pass, under the great seal of England, to the said council, and their successors, such further and better assurance of all and singular the lands, grounds, royalties, privileges and premises aforesaid, granted, or intended to be granted, according to our true intent and meaning, in these our letters patents, signified, declared, or mentioned, as by the learned council of us, our heirs, and successors, and of the said company, and their successors, shall, in that behalf, be reasonably devised or advised.

Farther assurance, &c.

And further, our will and pleasure is, that, in all questions and doubts, that shall arise upon any difficulty of construction or interpretation of anything contained in these our letters patents, the same

The charter to have a construction beneficial to the council.

shall be taken and interpreted, in most ample and beneficial manner, for the said council, and their successors, and every member thereof.

Officers to take notice.

And we do further, for us, our heirs, and successors, charge and command all and singular admirals, vice admirals, generals, commanders, captains, justices of peace, mayors, sheriffs, bailiffs, constables, customers, comptrollers, waiters, searchers, and all the officers of us, our heirs, and successors whatsoever, to be, from time to time, and at all times hereafter, in all things aiding, helping, and assisting unto the said council, and their successors, and unto every of them, upon request and requests, by them to be made, in all matters and things, for the furtherance and accomplishment of all or any the matters and things by us, in and by these our letters patents, given, granted, and provided, or by us meant or intended to be given, granted, and provided, as they, our said officer, and the officers of us, our heirs, and successors, do tender our pleasure, and will avoid the contrary, at their perils.

Former grants confirmed.

And also, we do, by these presents, ratify and confirm unto the said council, and their successors, all privileges, franchises, liberties, and immunities, granted in our said former letters patents, and not in these our letters patents, revoked, altered, changed, or abridged, although expressed, mentioned, &c.—In witness, &c., witness ourself at Westminster, the third day of November, in the eighteenth year of our reign over England, &c.

*Par Breve de Privato Sigillo, &c.*

This is a true copy from the original record remaining in the chapel of the rolls having been examined.

HEN. ROOKE,

*Clerk of the Rolls.*

# COMPACT

MADE ON BOARD THE MAY FLOWER, NOV. 11, 1620.

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In the name of God, amen. We whose names are under written, the loyal subjects of our dread sovereign Lord, King James, by the grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, &c. Having undertaken for the glory of God, and advancement of the christian faith, and the honour of our King and country, a voyage to plant the first colony in the northern parts of Virginia; do by these presents solemnly and mutually, in the presence of God and one another, covenant and combine ourselves together into a civil body politick, for our better ordering and preservation, and furtherance of the ends aforesaid: And by virtue hereof, do enact, constitute and frame such just and equal laws, ordinances, acts, constitutions and officers, from time to time, as shall be thought most meet and convenient for the general good of the colony; into which we promise all due submission and obedience. In witness whereof, we have hereunto subscribed our names, at Cape Cod, the eleventh of November, in the reign of our sovereign Lord, King James, of England, France and Ireland, the eighteenth, and of Scotland the fifty-fourth, Anno. Dom. 1620.

John Carver,  
William Bradford,  
Edward Winslow,  
William Brewster,  
Isaac Allerton,  
Miles Standish,  
John Alden,  
Samuel Fuller,  
Christopher Martin,  
William Mullins,  
William White,  
Richard Warren,

John Howland,  
Stephen Hopkins,  
Edward Tilly,  
John Tilly,  
Frances Cooke,  
Thomas Rogers,  
Thomas Tinker,  
John Ridgdale,  
Edward Fuller,  
John Turner,  
Francis Eaton,  
James Chilton,

John Craxton,  
John Billington,  
Joses Fletcher,  
John Goodman,  
Digery Priest,  
Thomas Williams,  
Gilbert Winslow,  
Edmund Margeson,  
Peter Brown,

Richard Bilteridge,  
George Soule,  
Richard Clark,  
Richard Gardiner,  
John Allerton,  
Thomas English,  
Edward Doten,  
Edward Leister.

# THE CHARTER

## OF THE

### COLONY OF NEW PLYMOUTH,

GRANTED TO WILLIAM BRADFORD AND HIS ASSOCIATES.

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To all to whom these presents shall come greeting:—Whereas our late sovereign lord King James for the advancemente of a colonie and plantaçon in the cuntry called or knowne by the name of New-Englande in America, by his highnes letters pattents under the greate seale of Englande bearinge date att Westminster the third day of November in the eighteenth yeare of his highnes raigne of England &c. did give graunte and confirme unto the right honorable Lodowicke late lord duke of Lenox, George late lord marques of Buckingham, James marques Hamilton, Thomas earle of Arundell, Robert earle of Warwicke and Ferdinando Gorges, knight, and divers others whose names are expressed in the said letters pattents and their successors that they should bee one bodie pollitique and corporate perpetuallly consistinge of forty persons, and that they should have perpetuall succession and one common seale to serve for the said body and that they and their successors should be incorporated called and knowne by the name of the Councell established at Plymouth in the county of Devon for the plantinge ruleinge orderinge and governinge of New Englande in America, and alsoe of his speiall grace certaine knowledge and meere motion did give graunte and confirme unto the said presidente and councell and their successors forever under the reservations limitations and declaraçons in the said letters pattents expressed, all that part and portion of the said cuntry now called New-England in America scituate, lyinge and beinge in breadth from ffourty degrees of northerly latitude from the aquinoctiall line to ffourty eight degrees of the said northerly latitude inclusively, and in length of and in all the breadth aforesaide throughout the maine lande from sea to sea, together alsoe with all the firme landes soyles grounds creeks inletts havens portes seas rivers

Recital that King James I. granted to the council at Plymouth in Devon.

To consist of 40 persons.

All that part of America from 40 to 48 degrees north latitude.

islands waters fishinges mynes and mineralls as well royall mines of gold and silver as other mines and mineralls pretious stones quarries and all and singuler the commodities jurisdiccons royalties privileges franchises and preheminencies both within the said tracte of lands upon the maine, as alsoe within the said islands and seas adioyninge: To have hold possesse and enioy all and singuler the foresaid continent lands territories islands hereditaments and p<sup>r</sup>oints sea waters fishinges with all and all manner their commodities royalties privileges preheminences and proffitts that shall arise from thence, with all and singuler their appurtenances and every parte and parcell thereof unto the said councell and their successors and assignes forever: To be holden of his Ma<sup>tie</sup>, his heirs and successors as of his mannor of East Greenwich in the county of Kent in free and common soccage and not *in capite* nor by knights service yeeldinge and prayinge therefore to the said late King's Ma<sup>tie</sup>, his heires and successors the fift part of the oare of gold and silver which from tyme to tyme and att all tymes from the date of the said letters pattents shalbe there gotten had and obtained for and in respect of all and all manner of duties demands and services whatsoever to be done made and paid unto his said late Ma<sup>tie</sup>, his heirs and successors as in and by the said letters pattents amongst sundry other privileges and matters therein contained more fully and at large it doth and may appeare. Now knowe yee that the said councell by virtue and authority of his said late Ma<sup>ties</sup> letters pattents and for and in consideracon that William Bradford and his associatts have for these nine yeares lived in New Englande aforesaid and have there inhabited and planted a towne called by the name of New Plimouth att their own proper costs and charges: And now seeinge that by the speciall providence of god, and their extraordinary care and industry they have increased their plantacon to neere three hundred people, and are uppon all occasions able to relieve any new planters or others his Ma<sup>ties</sup> subjects whoe may fall uppon that coaste; have given graunted bargained sould enfeofed allotted assigned and sett over and by these presents doe cleerely and absolutely give graunt bargain sell alien enfeofe allott assigne and confirme unto the said William Bradford, his heires, associatts and assignes all that part of New-Englande in America aforesaid and tracte and tractes of lande that lye within or betweene a certaine rivolet or rundlett there commonly called Cohasset alias Conahasset towards the north, and the river commonly called Naragansets river towards the south; and the great westerne ocean towards the east, and betweene and within a straight line directly extendinge upp into the maine land towards the west from the

To hold in fee.

Paying the fifth part of the ore of gold and silver.

Grant to William Bradford and associates.

Boundaries of the land granted.



mouth of the said river called Naragansetts river to the utmost limitts and bounds of a cuntry or place in New Englande called Pokenacutt alias Sowamsett westward, and another like straight line extendinge itself directly from the mouth of the said river called Coahassett alias Conahassett towards the west so farr up into the maine lande westwardes as the utmost limitts of the said place or cuntry commonly called Pokencutt alias Sowamsett doe extend, together with one half of the said river called Naragansetts and the said rivolett or rundlett called Coahassett alias Conahassett and all lands rivers waters havens creeks ports fishings fowlings and all hereditiments proffitts comodities and emoluments whatsoever situate lyinge and beinge or arisinge within or betweene the said limitts and bounds or any of them. And for as much as they have noe conveniente place either of tradinge or fishinge within their own precincts whereby (after soe longe travell and great paines,) so hopefull a plantacon may subsiste, as alsoe that they may bee incouraged the better to proceed in soe pious a worke which may especially tend to the propagation of religion and the great increase of trade to his Ma<sup>ties</sup> realmes, and advancemente of the publique plantacon, the said councill have further given graunted bargained sold enfeofied allotted assigned and sett over and by these presentes doe cleerely and absolutely give graunte bargain sell alien enfeofie allot assigne and confirme unto the said William Bradford his heires associats and assignes all that tracte of lande or parte of New England in America aforesaid w<sup>ch</sup> lyeth within or betweene and extendeth itself from the utmost limitts of Cobbeconche alias Comasee-Conte which adjoineth to the river of Kenebeke alias Kenebekike towards the westerne ocean and a place called the falls att Mequamkike in America aforesaid, and the space of fifteene Englishe miles on each side of the said river commonly called Kenebek river, and all the said river called Kenebek that lies within the said limitts and bounds eastward westward northward or southward laste above mentioned, and all lands grounds soyles rivers waters fishings hereditam<sup>ts</sup> and proffitts whatsoever situate lyinge and beinge arisinge happeninge or accruinge, or which shall arise happen or accrue in or within the said limitts and boundes or either of them, together with free ingresse egresse and regresse with shippes boates shallopps and other vessels from the sea commonly called the westerne ocean to the said river called Kennebek and from the said river to the said westerne ocean, together with all prerogatives rights royalties jurisdictions, priviledges franchises liberties and ymunities, and alsoe marine liberty with the escheats and casualties thereof the Admiralty Jurisdic-

Traet of land on  
the Kennebeck.

Jurisdiction, &c.

Admiralty excepted.	con excepted with all the interest right title claime and demande whatsoever which the said councell and their successors now have or ought to have and claime or may have and acquire hereafter in or to any the said porçons or tractes of land hereby mençoned to be graunted, or any the premisses in as free large ample and beneficiall manner to all intents, construcçons and purposes whatsoever as the said councell by vertue of his Ma <sup>ty</sup> said letters pattents may or can
To hold in fee.	graunte; to have and to holde the said tracte and tractes of lande and all and singular the premisses above mençoned to be graunted with their and every of their appurtenances to the said William Bradford his heires associatts and assignes forever, to the only proper and absolute use and behoofe of the said William Bradford his heires associatts and assignes forever; Yeeldinge and payinge unto our said
Paying, &c.	soveraigne Lord the Kinge, his heires and successors forever one-fifte parte of the oare of the mines of gold and silver and one other fifte parte thereof to the presidente and councell, which shall be had possessed and obtained within the precints aforesaid for all services and demands whatsoever. And the said councell doe further graunt and agree to and with the said William Bradford his heires associatts and assignes and every of them, his and their ffactors agents tenants and servants and all such as hee or they shall send and employ aboute his said particular plantaçon, shall and may from tyme to tyme ffreely and lawfully goe and returne trade and traffique as well with the Englishe as any of the natives within the precincts aforesaid, with
Liberty of fishing, trading, &c.	liberty of fishinge uppon any parte of the sea coaste and sea shoares of any the seas or islands adjacente and not beinge inhabited or otherwise disposed of by order of the said presidente and councell:
To import, and export, merchandize, paying, &c.	alsoe to importe exporte and transporte their goods and merchandize att their wills and pleasures paying only such duty to the kings Matie, his heires and successors as the said Presidente and councell doe or ought to pay without any other taxes impositions burdens and restraints uppon them to be imposed. And further the said councell doe graunt and agree to and with the said William Bradford his heires
Persons transported not to be taken from the employment of said Bradford and associates, except, &c.	associatts and assignes, that the persons transported by him or any of them shall not be taken away, ymployed or commanded either by the Governo <sup>r</sup> for the tyme beinge of New Englande or by any other authority there, from the buisines and employmente of the said William Bradford and his associatts his heires and assignes; necessary defence of the cuntry preservaçon of the peace suppressinge of tumults within the lands, trialls in matters of justice by appeale uppon spetiall occasion only excepted. Alsoe it shall be lawfull and free for the said William Bradford his associatts his heires and assignes att all

tymes hereafter to incorporate by some usuall or fitt name and title, him or themselves or the people there inhabitinge under him or them with liberty to them and their successors from tyme to tyme to frame, and make orders ordinances and constitucons as well for the better governmente of their affairs here and the receavinge or admittinge any to his or their society, as alsoe for the better govmnt of his or their people and affaires in New Englande or of his and their people att sea in goeinge thither, or returninge from thence, and the same to putt in execucon or cause to be putt in execucon by such officers and ministers as he and they shall authorise and depute: Provided that the said lawes and orders be not repugnant to the lawes of Englande, or the frame of governmente by the said presidente and councell hereafter to be established. And further it shall be lawfull and free for the said William Bradford, his heires, associates and assignes to transporte cattle of all kinds, alsoe powder shot ordnance and muniçon from tyme to tyme as shal be necessary for their strength and safety hereafter for their severall defence; to encounter expulse repell and resiste by force of armes as well by sea as by lande, by all waies and meanes whatsoever. And by vertue of the authority to us derived by his said late Ma<sup>ts</sup> letters pattents to take apprehend seize and make prize of all such persons their shippes and goods as shall attempt to inhabite or trade with the savage people of that cuntry within the severall precincts and limitts of his and their severall plantacon, or shall enterprise or attempt att any tyme destruction invasion detriment or annoyance to his and their said plantacon; the one moiety of which goods soe siezed and taken it shalbe lawfull for the said William Bradford his heires associates and assignes to take to their own use and behoofe; the other moyety thereof to be delivered by the said William Bradford his heires associates and assignes to such officer and officers as shalbe appointed to receive the same for his Ma<sup>ts</sup> use. And the said councell doe hereby covenante and declare that it is their intente and meaninge for the good of this plantacon that the said William Bradford his associates his or their heires or assignes shall have and enjoy whatsoever privilege or privileges of what kinde soever, as are expressed or intended to be graunted in and by his said late Ma<sup>ts</sup> letters pattents, and that in as large and ample manner as the said councell thereby now may or hereafter can graunte, coynnige of money excepted. And the said councell for them and their successors doe covenante and graunte to and with the said William Bradford, his heires associates and assignes by these presents, that they the said councell shall at any time hereafter uppon request att the only

To make laws  
and orders,

Not repugnant to  
the laws of Eng  
land.

May transport  
cattle, powder,  
&c.

To seize all per-  
sons, their ships  
and goods, as  
shall attempt to  
trade with the In-  
dians, &c.

One moiety there-  
of to his majesty,  
and the other mo-  
iety to William  
Bradford and as-  
sociates.

To enjoy all the  
privileges that  
were granted to  
the council at  
Plymouth, &c.

To make further assurance or conveyance.

Captain Miles Standish, or &c. to enter upon the land, take possession, and in behalf of the council to deliver seizen.

proper costs and charges of the said William Bradford, his heires associats and assignes doe make suffer execute and willingly consent unto any further acte or actes, conveyance or conveyances, assurance or assurances whatsoever, for the good and perfect investinge assureinge and conveyinge and sure makinge of all the aforesaid tracte and tractes of landes royalties mines mineralls woods fishinges and all and singuler their appurtenances, unto the said William Bradford his heires associats and assignes as by him or them or his or their heires and assignes, or his or their counsell learned in the lawe shalbe devised, advised and required. And lastly know yee that wee the said counsell have made constituted deputed authorized and appointed Captaine Miles Standish, or in his absence Edward Winslowe, John Howlande and John Alden, or any of them to be our true and lawful attorney and attornies jointly and severally in our name and steed to enter into the said tracte and tractes of lande and other the premisses with their appurtenances, or into some parte thereof in the name of the whole for us and in our names to take possession and seisin thereof, and after such possession and seisin thereof or of some parte thereof in the name of the whole had and taken; then for us and in our names to deliver the full and peacable possession and seisin of all and singuler the said menẽoned tobe graunted premisses unto the said William Bradford his heires associatts and assignes or to his or their certaine attorney or attornies in that behalf ratifyinge alloweing and confirminge all whatsoever our said attorney doe in or about the premisses. In witness whereof, the said counsell established att Plimouth in the county of Devon for the plantinge ruleinge orderinge and governinge of New England in America have hereunto putt their seale the thirteenth day of January in fife yeaere of the raigne of our Sovereigne Lord Charles by the grace of God, Kinge of Englande Scotland Fraunce and Ireland defender of the flaithe &c. Anno Domi 1629.

R. WARWICKE.

(SEAL.)

THE within named John Alden authorized as attorney for the within mentioned counsill haveing in their name and stead entered into some parte of the within mentioned tracts of land, and other the premisses in the name of the whole ; and for them and in their names taken possession and seizin thereof, did in the name of the said counsill deliver the full and peacable possession and seizin of all and singular the within mentioned to be graunted premisses unto William Bradford for him his heires associates and assignes: Secundem formam cartæ.

In presence of

JAMES CUDWORTH,  
WILLIAM CLARKE,  
NATHANIEL MORTON, *Secretary.*

L A W S  
OF THE  
COLONY OF NEW PLYMOUTH.  
1623.

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Orders agreed on at severall times for the generall good of the colony and the better government and preservation of the same.

Trial by jury.  
Re-enacted in  
1636 and 1658.

It was ordained 17 day of December An<sup>o</sup> 1623 by the court then held that all criminall facts, and also all matters of trespasses and debts betweene man and man should be tried by the verdict of twelve honest men to be impanelled by authority in forme of a jury upon their oath.

Exportation of  
timber prohibited.  
Re-enacted in  
1636 and 1658.

It was decreed by the court held the 29<sup>th</sup> of March An<sup>o</sup> 1626, That for the preventing of such inconveniences as do and may befall the plantation by the want of timber, That no man of what condition soever sell or transport any maner of workes as frames for houses planks boards shipping shallops boats cannoes or whatsoever may tend to the destruction of timber afores<sup>d</sup> how little soever the quantity be without the consent approbation and liking of the Governour and councile. And if any be found faulty herein and shall imbarque or any way convey to that end to make sale of any the goods aforesaid expressed or intended by this decree the same to be forfeited and a fine of twise the vallue for all so sold to be duly taken by the Governour for the use and benefit of the company.

Handicraftsmen  
forbiddento work  
for strangers.

It was further decreed the day and year above written for the preventing of such abuses as do and may arise amongst us that no handy-craftsman of what profession soever as taylors shoemakers carpenters joyners smiths sawyers or whatsoever w<sup>ch</sup> do or may reside or belong to this plantation of Plimouth shall use their science or trades at home or abroad for any strangers or foreigners till such time as the nescessity of the colony be served. Without the consent of the Governor and councill, the breach thereof to be punished at their discretion.

It was ordained the <sup>s</sup><sup>d</sup> 29 of March 1626 : for the preventing scarcity as alsoe for the furthering of our trade that no corne beans or pease be transported, imbarqued or sold to that end to be conveyed out of the colony without the leave and licence of the governour and counsell. The breach whereof to be punished with los of the goods so taken or proved to be sold : and the seller further fined or punished or both at the discreession of the Gov<sup>r</sup> and Councill.

No corn, beans, or peas to be exported.

It was agreed upon by the whole court held the sixth of January 1627 that from hence forward no dwelling house was to be covered with any kind of thatche as straw reed &c. but with either board or pale and the like to wit of all that were to be new built in the towne.

Dwelling houses to be covered with board or pale.

Plimouth : The 3<sup>d</sup> of January 1627. It was agreed in a full court about division of lands as followeth.

Imp<sup>r</sup> That the first division of the acres should stand and continue firme according to the former division made unto the possessors thereof and to their heires forever : Free liberty being reserved for all to get fire wood thereon but the timber trees were excepted for the owners of the ground.

Division of lands.

2ly. That the 2 division should consist of 20 acres to every person and to containe five in breadth & four in length and so accordingly to be divided by lott to every one which was to have share therein.

3ly. The ground to be judged sufficient before the lots were drawne and the rest to be left to comon use.

4ly. This being done, that for our better subsistance and convenience those grounds which are nearest the town in whose lott soever they fall shall be used by the whole for the space of 4 years from the date hereof: viz<sup>t</sup>. first that the right owner make choice of twice that quantity he shall or may use within the said terme and then to take to him such neighbours as shall have need and he think fit: but they cannot agree then the Govern<sup>r</sup> and Councill may appoint as they think meet: provided that the woods be ordered for felling and lopping according as the owner shall appoint: for neither fire wood nor other timber either for building or fencing or any other use is to be felled or caryed off of any of these without the owners leave & licence, but he is to preserve them to his best advantage.

5ly. That whatsoever the surveighers judge sufficient shall stand without contradiction or opposition and every man shall rest contented with his lott.

6ly. That after the purchasars are served as afores<sup>d</sup>, that then such planters as are heirs to such as dyed before the right of the land

was yielded to the adventurers have also 20 acres a person proportionable to their right layed out in part of their inheritance.

7ly. That first they shall begin where the acres of the first division end and lay out that to the Eele river so far as shall be thought fitt by the surveighers, and returne to the north side of the town & so pceed accordingly, and that they leave all great timber swamps for common use.

8ly. That fowling fishing and hunting be free.

9ly. That the old path ways be still allowed and that every man be allowed a conveanient way to the water wheresoever the lot fall.

Lastly that every man of the surveighers have a peck of corne for every share of land layed out by them to be paid by the owner thereof when the same is layed out.

NOTE. William Bradford, Edward Winslow, John Howland, Francis Cooke, Joshua Pratt and Edward Bangs were the persons who allotted the land.

## 1632.

January, 1632.  
Penalty for refusing to serve as governor.

It was enacted by public consent of the freemen of this society of New Plymouth, that if now or hereafter any were elected to the office of governor and would not stand to the election, nor hold and execute the office for his year that then he be amerced in twenty pounds sterling fine ; and in case refused to be paid upon the lawful demand of the ensuing governor then to be levied out of the goods, or chattles of the said person so refusing.

Penalty for declining the office of assistant,

It was further ordered and decreed that if any were elected to the office of councell and refused to hold the place, that then he be amerced in ten pounds sterling fine, and in case refused to be paid to be forthwith levied.

except, &c.  
Re-enacted in 1636,  
and repealed June 25, 1645.

It was further decreed and enacted that in case one and the same person should be elected gov<sup>r</sup> a second year having held the place the foregoing year it should be lawful for him to refuse without any amerement. And the company to proceed to a new election except they can prevail with him by entreaty.

Whereas in the beginning and first planting of this colony, it was ordered that all should plant their corn &c. as neere as might be to the town of Plymouth aforesaid, and for that end an acre of land was allowed and allotted to each person for their pr<sup>in</sup>t use, and so to them and their heires forever ;—and whereas the said acres lay open without



inclosure, divers laws and orders have been made to prevent such damage as might befall the whole by kine swine goats &c., that so by hearing or other courses men's labours might be preserved and such damage or losse as fell upon any to be made good by the owners of the same cattle trespassing. But since the said acres are for the most part worne out, and cattle by God's blessing abundantly increasing and necessity constraining to inclose elsewhere, it was thought meet at a court held the 2<sup>d</sup> of Jan. 1632, that the former priviledges of the said acres should be laid downe and that as elsewhere no man set corne upon them without inclosure but at his perill.

The land formerly allotted to each person to be inclosed.

And whereas our ancient worke of fortification by continuance of time is decayed and christian wisdome teacheth us to depend upon God in the use of all good meanes for our safety, it is further agreed by the court aforesaid that a worke of fortification be made about the said fort in March or April next ensuing by the whole strength of men able to labour in the colony; and that the gov<sup>r</sup> and councell measure the worke and appoint the whole their joint and severall pts of labour. And that in case any shall faile their appointed time by themselves or assigns for themselves or serv<sup>ts</sup>, they forfeit ten shillings a day for each default, and to pay for his or their pt of labour as the overseers of the worke shall agree notwithstanding.

A fortification to be made.

Every person in the colony able to labor to aid in the work.

In regard of our dispersion so far asunder and the inconvenience that may befall, it is further ordered that every freeman or other inhabitant of this colony provide for himselfe and each under him able to beare armes a sufficient musket and other serviceable peece for war with bandeleroes and other apurtenances with what speede may be: and that for each able person aforesaid, he be at all times after the last of May next ensuing furnished with two pounds of powder and ten pounds of bullets, and for each default in himselfe or serv<sup>t</sup> to forfeit ten shillings.

Every person to be provided with arms and ammunition who is able to bear them.

Altered in 1636.

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### 1633.

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These things following were determined and enacted July 1, 1633.

That the person in whose house any were found, or suffered to drinke drunck be left to the arbitrary fine and punishment of the Gov<sup>r</sup> and Councell according to the nature and circumstances of the same.

The person in whose house any one is found drunk to be fined, &c. Re-enacted in 1636 and 1638.

That no sheep be sold out of the colony under penalty of forfeiting their due value.

No sheep to be exported.

Oct.  
The seat of Gov-  
ernment and the  
residence of the  
Governor to be at  
Plymouth.

It was by full consent agreed upon and enacted that the chiefe government be tyed to the towne of Plymouth, and that the Govr for the time being be tyed there to keepe his residence and dwell- ing. And there also to hold such courts as concerne the whole.

The original al-  
lotments to be  
surrendered.  
Re-enacted in  
1636.

It was further enacted, That whereas formerly a small moyety of land was allotted to each family for their convenient subsistence in the towne viz<sup>t</sup> to each person an acre. And that now the said acres lie void the ancient inhabitants being for the most part removed from thence: Insomuch that as formerly they were the meanes of subsist- ing in towne; now the propriety of persons in them elsewhere seated hinder others from coming into the towne by which meanes the said towne is like to be dispeopled. It was therefore agreed upon by the mutual consent of the whole (two persons excepted) that all and every such person or persons should surrender and cast up their right in the said acres that they may be disposed of to such as doe or shall inhabite the said towne of Plymouth, as also other the wast grwonds about the said towne by such an orderly and equall cowrse as shall be thought meet by the Govr and Councell of the said colo- ny. And that the said Govr and Councell thinke of some equall cowrse where any have been purchased and the persons not able to make satisfac<sup>o</sup>n.

Herrings, shad,  
&c., to be appro-  
priated to the use  
of the inhabitants  
of Plymouth.  
Re-enacted in  
1636.

That whereas God by his providence hath cast the fish called ale- wives or herrings in the middest of the place appointed for the towne of Plymouth; and that the ground thereabout hath been worne out by the whole to the damage of those that inhabite the same; that therefore the said herrings alewives or shadds comonly used in the setting of corne be appropriated to such as doe or shall inhabite the towne of Plymouth aforesaid, and that no other have any right or propriety in the same onely for bait for fishing, and that by such an orderly cowrse as shall be thought meet by the Govr and Councell.

Wills to be prov-  
ed before the  
Gov. and Coun-  
cil.  
Re-enacted in  
1636 and 1653.

That the wills and testaments of those that die be proved orderly before the Govr & Councell within one moneth after the decease of the testator. And that a full inventory duly valued be presented with the same before L<sup>rs</sup> of administra<sup>o</sup>n be granted to any of all the goods & chattells of the said persons. Also if in case any man die without will his goods be by his wife or other neerest to him inven- toried & duly valued & presented to the Govr & Councell within one moneth after the decease of the same person so dying. And if it be a single person without kindred heere resident, That then the Govr appoint some to take a just inventory of the same, and to pre- sent the same upon oath to be true and just as in other the cases before mentioned.

The wife to ad-  
minister on the  
estate of an intes-  
tate.

An administrator  
of the estate of a  
person dying  
without kindred  
to be appointed  
by the Governor.

That the Gov<sup>r</sup> and Councell of Assistants hire a watch & charge it upon the whole colony according to the accustomed manner, for the year following. Watch to be kept.

That all and every person within the colony be subject to such military order for trayning and exercise of arms as shall be thought meet agreed on and prescribed by the Gov<sup>r</sup> and Assistants. Every person liable to do military duty.

That in case it fall out that any die more indebted than their estate of goods and chattells amount unto, If the person so deceased have bought any lands in his life time to the impairing of his estate otherwise that the lands so bought be sold to make satisfaction to the creditors. But whereas a portion is disposed of to each for the subsistence of him or herself & family: that such lands remaine to the survivors his or her heires no seizure being allowed the creditors in that case. When the personal estate of a person deceased is insufficient to pay the debts, then the real estate may be sold. Re-enacted in 1636.

That in case a man die bankerout as afore considering the rawnes of the countrey and the small meanes for help and reliefe can yet be afforded by others and that life must be preserved in the widow children or both; and considering the cases of persons cannot be alike, but some may require more help some lesse, it is ordered and determined that whatsoever the Gov<sup>r</sup> and Assistants shall allow the widow and fatherless or motherless in this kind for their prent comfort shall be to them and their comfort, notwithstanding they dare not administer nor shall they be liable to any paym<sup>t</sup> to any the creditors of the deceased in respect thereof provided too great detriment come not to the creditors thereby. The property allowed by the Gov. and Ass. to the widow or children out of an insolvent's estate to be protected to them. Re-enacted in 1658.

That whereas by an ancient order 2<sup>d</sup> was allowed p. head to any, that should kill a wolfe throughout the colony for the incouragement of persons to seeke the destruction of those ravenous creatures, It being observed that none purposly seeke them but accedentially light on them and so unworthily receive the benefit, It is thought meet to cutt off the same, and make it of no force except to such as by the speciall approbacon of the Gov<sup>r</sup> and Councell shall set themselves by traps or other engines to take the same and to make payme to such upon the Gov<sup>ts</sup> warrant as before. The bounty on wolves dispensed with except when unusual exertions are made to take them.

That whatsoever damage comes to any by cowes goats or sheep or any of that kinde by coming into their corne or gardens be made good by the owners according as it shall be valued by two of the neighbours, notwithstanding any former law to the contrary. Damages caused by trespasses of cattle to be made good. Re-enacted in 1636 and 1658.

That there be no great swine kept about the towne to the annoyance of any in their corne gardaines meades &c. But that upon due warning first given to drive them away the owners of them make Swine not to run at large.

Damage to be paid as estimated by two neighbors.

good whatsoever damage shall be given by the arbitracōn of two of the neighbours.

Firing of woods forbidden at certain seasons.  
Altered Sept 1, 1633.

That whereas many have sustayned great damage by the indiscreet fyiring of the woods, It is by these pr̄nt order forbidden to any to set fire of them between the moneth of September and the moneth of March.

And that whatsoever damag cometh to any by the breach of this order to be made good by the delinquent. Also whensoever any are justly occasioned to fire the same at any other time they shall give warning thereof to the neighbours about them.

Measures to be sealed.

That whereas great abuse may arise by diversity of measures, It is order that all measures be brought to the Messenger or Constable of Plym. to be sealed and that it be lawfull for any to refuse any that hath not the seale prefixed thereon.

Lands to servants, where to be located.

That whereas by indenture many are bound to give their serv<sup>ts</sup> land at the expiraōn of their terme; it is ordered that they have it at Scituate or some other convenient place where it may be usefull.

Foot paths.

That whereas divers foote pathes lie thorow mens inclosures and that great damage hath & may come to many by pulling up the same for driving of cattle or the like, It is ordered that no man pull up any but upon extreame necessity nor then without leave.

Fishing, fowling, &c. to be free.  
Re-enacted in 1636 and 1633.

It is enacted by the Court, that fishing fowling and hunting bee free provided if any damage comes to any particulare by the prosecution of such exercise restitutions bee made or the case actionable. But if any man desire to improve a place and stocke it with fish of any kind for his private use, it shalbee lawfull for the Court to make any such graunt and for bid all others to make useof it.

Every constablenick to have a pound.  
Re-enacted in 1636 and 1633.

It is enacted by the Court that every Cunstablericke have a sufficient pound to impound cattle that shall transgresse any such orders as are or shalbe made.

No man to herd his cattle to the prejudice of others.  
Re-enacted in 1636.

It is enacted by the Court, that noe man shall heard his owne cattle or other men's to the prejudice of any att or neere his or their house upon their land; but upon due notice and warning shall reforme it or the case be actionable.

July.  
The bushel to be of Winchester measure.

It was decreed that ye new bushell, being a scald bushell brought out of England of Winchester measure should be allowed and no other, and all other measures to be brought into the constable to be made conformable to the same, and so to be sealed by him with the seale appoynted for that end and this to be done by the last of

But not to affect any former bargains.

this present month. But notwithstanding that all former bargains and sales that were made before this day, they are to be fulfilled by old measure.

At this Court it was concluded yt ye Jury should have 6<sup>d</sup> pr. man, and ye foreman 12<sup>d</sup> in shuch cases of controversie as they shall goe upon.

Jan.  
Jurors to have  
sixpence, &c.  
Re-enacted in  
1636 and 1633.

That no servant coming out of his time or other single person be suffered to keep house, or be for him or themselves till such time as he or they be competently provided of armes and munition according to the orders of the Colony. And that if any such be yet wanting they be provided as aforesaid or else provide themselves such masters as may provide for them. And this to be done within the space of one month ensuing.

March.  
No person allowed to keep house till, &c.  
Re-enacted in 1636 and 1633, with an alteration, requiring arms to be furnished forthwith upon due warning.

That none be suffered to retale wine or strong water or suffer the same to be drunke in their houses except it be at some inne or victualling house, and there only to strangers at their first coming, not exceeding the value of two pence a person; and that no beer be sold in any such place to exceed two pence the Winchester quart.

The sale of wine, &c. forbidden, except—  
Re-enacted in 1636 and 1633.

That no man keep more swine than can be kept to lie ordinarily about their owne houses. And if they drive them from home to drive and keep them in such places where no detrim<sup>t</sup> may come to any thereby.

No more swine to be kept than can lie about their owners' houses.

That at such convenient time as shall seeme meet to the Gov<sup>r</sup>. and Councill upon warning given all men meet together for the mending of the highwaies, with such tooles and instruments as shall be appointed. And for default every person to forfeit three shillings.

Highways, how to be mended.  
To forfeit three shillings for default.

## 1636.

At a general court held the fourth and fifth of Octob<sup>r</sup> 1636, the ordinances of the colony and corporation being read divers were found worthy the reforming—others the rejecting and others fitt to be instituted and made; it was therefore ordered and agreed that four for the towne of Plymouth—two for Scituate and two for Duxborrow should as comitees for the whole be added to the gov<sup>r</sup> and assistants to sertefie and prepare such as should be thought most convenient, that if approved they may be put in force the next general court.

Oct.  
Committees appointed to aid the Gov. and Assistants in the revision of the laws.

That such serv<sup>ts</sup> as come out of their time and are by their con<sup>ts</sup> to have lands have only five acres apeece, if found fit to occupy it for themselves in some convenient place.

Servants coming out of their time to have 5 acres of land.

None to keep  
house, or build  
cottages till ap-  
proved by Gov.  
and Council.  
Re-enacted in  
Nov.

That none be allowed to be housekeepers or build any cottages till such time as they be allowed and approved by the gov<sup>r</sup> and councill.

*New Plymouth, Nov. 15, 1636.*

Preamble.

Whereas at his Maties court held the 4th and 5th of Octobr in the 12<sup>th</sup> yeare of the raige of our sovereign Lord Charles by the grace of God King of Engl. Scotl. Fr. and Irel. defender of the Faith &c., it was ordered that Mr. William Brewster, Mr. Raph Smith, Mr. John Done and John Jenny for the town of Plymouth; Jonathan Brewster and Christopher Wadsworth for Duxburrrough and James Cudworth and Anthony Annable for Scituate should be added to the Gov<sup>r</sup> and assistants as comittees for the whole body of this comonweale, should meet together the 15th of Nov<sup>br</sup> at Plymouth above mençoned, and there to peruse all the laws, orders and constituçons of the plantaçons within this government that so those that are still fitting might be established; those that time hath made unnecessary might be rejected; and others that were wanting might be prepared, that so the next court they might be established.

Recital of reasons  
for making laws.

Now being assembled according to the said order and having read the combinaçon made at Cape Cod the 11th of Nov<sup>br</sup> 1620 in the yeare of the raigne of our late Sov. L. King James of Engl. Fr. and Irel. the eighteenth and of Scotland the fifty-fourth as also our letters pattents confirmed by the honourable counsell, his said Matie established and granted the 13 of January 1629 in the fite year of the raigne of our Sov. Lord King Charles and finding that as free borne subjects of the state of Engl. we hither came endewed wch all and singular the priviledges belong to such in the first place, we thinke good that it be established for an act.

No law, or ordi-  
nance to be made  
without the con-  
sent of the free-  
men.

That according to the and due privilege of the subject afore-  
said no imposiçon law or ordnance be made or imposed upon or  
by ourselves or others at present or to come but such as shall be  
made or imposed by consent according to the free liberties of the  
state and Kingdome of Engl. and no otherwise.

Recital of author-  
ity to make laws.

That whereas before expressed, we finde a solemne and binding  
combinaçon, as also L<sup>ts</sup> Patents derivatory from his Matie of Eng.  
our dread Sov. for the ordering of a body politick within the sever-  
all limits of this patent viz<sup>t</sup> from Cowahasset to the utmost bounds  
of Puckanokick westward, and all that tract of land southward to the  
southerne ocean with all and singular lands rivers havens waters  
creeks ports fishings fowlings &c. By vertue whereof we or-

daine institute and appoint the first Tuesday in March every yeare for the eleccon of such officers as shall be thought meet for the guiding and governm<sup>t</sup> of this corporacon.

At the day and time appointed a Gov<sup>r</sup> and seaven assistants be chosen to rule and governe the said plantacons within the said limits for one whole yeare and no more. And this eleccon to be made onely by the freemen according to the former custome, and that then also constables for each part and other inferior officers be also chosen.

That in every eleccon some one of the assistants or some other sufficient person be chosen treasurer for the yeare present, whose place it shall be to receive in whatsoever sum or sums shall appertaine to the royalty of the place either coming in by the way of fine amerceam<sup>t</sup> or otherwise; and shall improve the same for the publick benefitt of this corporacon by order of the governm<sup>t</sup>, as also to give a just account thereof to the ensuing treasurer and to the Gov<sup>r</sup> whenever he shall demand it or the court when they appoint.

That a clarke of the court also be chosen for the yeare.

That also one be chosen to the office of coroner to be executed as neere as may be to the laws and practise of the kingdome of Engl., and to continue one yeare.

Election to be on the first Tuesday of March.  
Altered to June in 1658.

Governor and seven assistants to be chosen for one year.  
Election by the freemen only.  
Re-enacted in 1658.  
Constables to be chosen.

Treasurer to be chosen.  
Re-enacted in 1658.

How to account.

Clerk to be chosen.  
Coroner to be chosen.

#### THE OFFICE OF THE GOVERNOR.

The office of the Gov<sup>r</sup> for the time being consists in the execucon of such laws and ordnances as are or shall be made and established for the good of this corporacon according to the severall bounds and limits thereof; viz<sup>t</sup>. in calling together or advising with the assistants or counsell of the said corporacon upon such materiall occasions or so seeming to him as time shall bring forth. In which assembly and all others the Gov<sup>r</sup> to propound the occasion of the assembly and have a double voice therein. If the assistants judge the case too great to be desided by them and refer it to the Generall Court, then the governor to summon a court by warning all the freemen aforesaid that are then extant, and there also to propound causes and goe before the assistants in the examinacon of particulars and to propound such sentence as shall be determined. Further it shall be lawful for him to arrest and commit to ward any offenders provided that with all conven<sup>t</sup> speede he shall bringe the cause to hearing either of the assistance or Generall Court according to the nature of the offence. Also it shall be lawful for him to examine any suspicious persons for evill against the colony, as also to intercept or oppose such L<sup>rs</sup> as he conceiveth may tend to overthrow of the same. And that this

The duties and authority of the Governor.

The same in 1658 and 1661 except instead of the words in the last line, "no more without renewing by election," read, "until another be elected."

office continue one whole yeare and no more without renewing by eleccon.

#### THE OATH OF THE GOVERNOR.

You shall sweare to be truly loyall to our Sovereigne Lord King Charles his heires and successors,\* (*the State and Govern<sup>t</sup> of England as it now stands*). Also according to that measure of wisdom understanding and discerning given unto you faithfully equally and indifferently without respect of persons to administer justice in all cases coming before you as the Governour of New Plymouth. You shall in like man<sup>r</sup> faithfully duly and truly execute the laws and ordnances of the same and shall labor to advance and further the good of the Colonies and Plantacons within the limits thereof to the utmost of your power and oppose any thing that shall seeme to hinder the same. So helpe you God who is the God of truth and punisher of falsehood.

At the Court held at Plymouth the 11th of June 1664, this following aded, and the Gov<sup>r</sup> tooke oath thereunto.

You shall alsoe carefully attend what is required by his Ma<sup>ties</sup> Privy Councill of the governors of the respective Collonies in reference unto an acte of Parliament for the encurrageing and increasing of shipping and navigation, bearing date from the first of December, 1660.

#### THE OATH OF A FREEMAN.

Re-enacted in  
1658.

You shall be truly loyall to our Sov. Lord King Charles his heires and successors, (*the State and Govern<sup>t</sup> of England as it now stands*). You shall not speake or doe devise or advise any thing or things act or acts directly or indirectly by land or water that doth shall or may tend to the destruccon or overthrow of this pr<sup>nt</sup> Plantacons, Colonies or Corporacon of New Plymouth; neither shall you suffer the same to be spoken or done, but shall hinder oppose and discover the same to the Gov<sup>r</sup> and Assistants of the said Colony for the time being or some one of them. You shall faithfully submit unto such good and wholesome laws & ordnances as either are or shall be made for the ordering & govern<sup>t</sup> of the same, and shall endeavour to advance the growth & good of the severall

\* The words "to our sovereign Lord King Charles, his heirs and successors," are erased in the original, and the words "the State and Government of England as it now stands," are interlined—and also erased. The oaths of some of the other officers, which follow, have the same interlineations and erasures. In other respects, the oath of the Governor was the same in 1658.



plantations within the limits of this Corporaçon by all due meanes & courses. All which you promise and sweare by the name of the great God of Heaven & earth simply truly and faithfully to performe as you hope for help from God, who is the God of truth & punisher of falsehood.

#### THE OFFICE OF AN ASSISTANT.

The office of an Assistant for the time being consisteth in appearing at the Governors summons, and in giving his best advice both in publick Court & private Councell with the Gov<sup>r</sup> for the good of the Colonies\* within the limits of this Government. Not to disclose but keep secret such things as concerne the publick good and shall be thought meet to be concealed by the Gov<sup>r</sup> & Councell of Assistants. In having a speciall hand in the examinaçon of publick offenders and in contriving the affaires of the Colony. To have a voice in the censuring of such offenders as shall not be brought to publick Court. That if the Governor have occasion to be absent from the Colony for a short time by the Gov<sup>r</sup> with the consent of the rest of the Assistants, he may be deputed to governe in the absence of the Governour. Also it shall be lawfull for him to examine & comit to ward where any occasion ariseth where the Gov<sup>r</sup> is absent, provided the person be brought to further hearing with all convenient speede before the Governor or the rest of the Assistants. Also it shall be lawfull for him in his Maties name to direct his warrants to any Constable within the Government who ought faithfully to execute the same according to the nature and tenure thereof. And may bind over persons for matters of crime to answer at the next ensuing Court of his Matie after the fact comitted or the person apprehended.

Duties of an Assistant.  
Re-enacted in 1658.

#### THE OATH OF THE ASSISTANTS.

Yee shall all sweare to be truly loyall to our Sovereigne Lord King Charles his heires and successors. Also ye shall faithfully truly & justly according to that measure of discerning & discretion God hath given you be assistant to the Gov<sup>r</sup> for this present yeare for the execuçon of Justice in all cases & towards all persons coming before you without partiallity according to the nature of the office of an Assistant read unto you. Moreover, yee shall diligently duly & truly see that the lawes & ordnances of this Corporation

Re-enacted in 1658.

\*The word "colonies" is often used instead of "townships," in the early laws and records.

be faithfully executed ; and shall labor to advance the good of the severall Plantacons within the limits thereof, and oppose any thing that shall hinder the same by all due means and courses. So help you God who is the God of truth & punisher of falsehood.

#### THE OATH OF ANY RESIDING WITHIN THE GOVERNMENT.

You shall be truly loyall to our Sover. Lord the King his heires and successors. And whereas you make choice at present to reside within the Govern<sup>t</sup> of New Plymouth, you shall not doe or cause to be done any act or acts directly or indirectly by land or water that shall or may tend to the destruccon or overthrow of the whole or any of the severall Colonies within the said Govern<sup>t</sup> that are or shall be orderly erected & established ; but shall contrariwise hinder oppose & discover such intents & purposes as tend thereunto to the Governor for the time being or some one of the Assistants with all convenient speede. You shall also submit unto & obey such good & wholesome lawes ordnances & officers as are or shall be established within the severall limits thereof. So help you God who is the God of truth and punisher of falsehood.

#### THE OATH OF A CONSTABLE.

Re-enacted in  
1658.

You shall swear to be truly loyall to our Sovereigne Lord King Charles his heires and successors. (*the state and Government of England as it now stands*) You shall faithfully serve in the office of a Constable in the ward of            for this present yeare, according to that measure of wisdom understanding and discretion God has given you. In which time you shall diligently see that his Matie's peace comanded be not broken, but shall carrie the person or persons offending before the Governor of this Corporacon or some one of his Assistants and there attend the hearing of the case and such order as shall be given you. You shall apprehend all suspicious persons, and bring them before the said Gov<sup>r</sup> or some one of his Assistants as aforesaid. You shall duly & truly serve such warrants & give such sumons as shall be directed unto you from the Gov<sup>r</sup> or Assistants before menconed, and shall labor to advance the peace & happiness of this corporacon, & oppose any thing that shall seeme to annoy the same by all due meanes and courses. So help you God who is the God of truth and punisher of falsehood.

#### ELECTION OF OFFICERS AT THE GENALL COURTS.

That the annuall eleccon of officers before expressed be at a Generall Court held in his Maties name of Engl. And that the Gov<sup>r</sup> in

due season by warrant directed to the severall Const. in his Maties name aforesaid give warning to the freemen to make their appearance. And that all other our courts warrants summonses or comands by way of justice be all done directed and made in the name of his Majesty of England aforesaid our dread sovereigne.

The freemen to be warned to the election by warrant of the Governor in his Majesty's name.

#### FYNE OF NON-APP<sup>R</sup>ANCE.

And for default in case of appearance at the elec<sup>t</sup>ion before mentioned without due excuse each delinquent to be amerced in 3<sup>s</sup> sterl.

Fine for non-appearance.

#### COURTS WHERE KEPT.

That the Government, viz<sup>t</sup> the generall Courts and Courts of Assistants be held at Plymouth & *that the Gov<sup>r</sup> hold his dwelling there for the present yeare*, except Inferior Courts as for some matters shall be allowed by this Court in other places of this Government.

The clause in italics was repealed March 1642, and is erased in the original records.

#### GRAND JURY HOW PANNELLED.

That a great Quest be pannelled by the Gov<sup>r</sup> and Assistants or the major part of them & warned to serve the king by enquiring into the abuses & breaches of such wholesome lawes & ordnances as tend to the preserva<sup>c</sup>on of the peace and good of the subject. And that they present such to the Court as they either finde guilty *or probably suspect*, that so they may be prosecuted by the Gov<sup>r</sup> by all due meanes.

The words "or probably suspect" are erased in the original.

March 2, 1640, It is enacted, That no presentment hereafter shalbe exhibited to the Grand enquest to be brought to the Bench except it be down upon oath, and that it shalbe lawfull for any of the Assistants to administer an oath in such case.

No presentment to be made except on oath.

#### STOCKS AND WHIPPING POSTS.

That in every Constablerick there be a paire of stocks erected. *Also a Cage which shall be of competent strength to detain a prisoner* and a whipping post & these to be erected in such places as shall be thought meet by the severall neighbourhoods where they concerne upon the penalty of X<sup>s</sup> for any towneship, which shalbe defective herein.

Stocks, cage and whipping posts to be erected. Re-enacted in 1658, except the clause in italics, which is erased.

#### HIGHWAYS.

That the Constables see the high wais for man & beast be made & kept in convenient repaire, & therefore be also appointed surveighor for the liberty he is chosen. And if it fall out that a way be wanting upon due complaint, that then the Governour pannell a jewry,

The constable to have charge of the highways. Repealed and erased.

and upon oath charge them to lay out such way as in conscience they finde most beneficiale for the comon weale, and as little prejudice as may be to the particulars.

#### WHO TO BE PANEL<sup>D</sup> IN JURIES.

Persons who are not freemen may be empanelled as Jurors.  
Re-enacted in 1658.

That it be lawfull for the Governour as well to pannell such the kinges subjects of good report that are freeholders & no freeman upon Jewry to doe service to his Matie as well as such as have taken up their freedome if thought convenient.

#### LAWES MADE BY YE FREEMEN.

The freemen to make all laws and ordinances.

All taxes to be levied equally upon the freemen and others.

That the lawes and ordnances of the Colony & for the government of the same be made onely by the freemen of the Corporaçon and no other, provided that in such rates & taxaçons as are or shall be laid upon the whole they be without partiality so as the freeman be not spared for his freedome, but the levy be equall. And in case any man finde himselfe aggrieved, that his complaint may be heard & redressed if there be due cause.

#### OATH OF FIDELITY TO ALL.

All persons to take the oath of allegiance.

That an oath of Allegiance to the King & fidelity to the Government & the sev. Colonies therein be taken of every person that shall live within or under the same.

#### TRYALL BY JURY.

Trial by jury in all cases.  
Re-enacted in 1658.

That all trialls whether capitall or between man & man be tryed by Jewryes according to the presidents of the law of Engl. as neer as may be.

#### GOVERNOR AND TWO ASSISTANTS TO DETERMINE CASES

##### SUB 40 s.

Also to determine trivial offences.

That the Govr and two Assistants at the lest shall as occasion shall be offered in time convenient determine in such triviall cases viz<sup>t</sup> under forty shillings between man & man as shall come before them; as also in offences of small nature shall determine, doe & execute as in wisdom God shall direct them.

#### OFFENCES CAPITALL.

Re-enacted in 1658, omitting adultery, for which another penalty was then provided.

Capitall offences lyable to death.

Treason or rebellion against the person of the King, State or Comonwealth, either of England or these Colonies.

Wilfull murder.

Solemn Compaction or conversing with the divell by way of witchcraft conjuraçon or the like.

Willfull or purposed burning of ships houses.

Sodomy, rapes, buggery.

Adultery to be punished.

#### OFFENCES CRIMINALL.

Fornication & other uncleane carriages to be punished at the discretion of the Majestrates according to the nature thereof.

Fornication, &c. to be punished at the discretion of the magistrates.

Fornication before contract or marriage.

The stealing or attempting to steale ships boats muniçon or other things of that nature to be punished according to the determinaçon of the Magistrates.

#### SALE OF LANDS ACKNOWLEDGED BEFORE ONE OF ASSISTANTS.

That all sales exchanges gifts morgages leases or other conveyances of houses & lands, the sale to be acknowledge before the Gov<sup>r</sup> or any one of the Assistants & committed to publick record and the fees to be payd.

All sales of land, &c. to be acknowledged before Gov<sup>r</sup> or Assistant, and be recorded.  
Re-enacted in 1658.

#### MARKE OF CATTLE.

That every man's marke of his cattle be brought to the towne booke where he lives & that no man give the same but shall alter any other bought by him & put his owne upon them.

Cattle, how marked.

#### LAND AFTER GREENWICH HOLD.

That inheritance do descend according to the comendable custome of Engl. and hold of Est. Greenwich.

Inheritances, how to descend.  
Re-enacted in 1658.

#### A WIVES PT OF LANDS AND GOODS.

That if the husband die the wife shall have a third part of his lands during her life and a 3<sup>d</sup> of his goods to be at her owne disposeinge.

Widow's portion one third of the real estate during her life, and one third of the personal estate.  
Re-enacted in 1661.

#### WEIGHTS AND MEASURES.

That one comon standard to be used by all for weight and measure. And that according to Winchester which is the standard of Engl.

The Winchester measure to be the standard.  
Re-enacted in 1658.

#### OF WARRE AND LEAUGES.

That no warre or league of peace be made by any particular person or persons but such as shall be agreed and determined in and by

The General Court only to make war or peace, except.

a Generall Court, except in such case of emenent danger as a Court cannot be called or sumoned.

#### SOLDIERS PRESSED.

Soldiers, how impressed into service.

That in case necessity require to send forces abroade and there be not volunteers sufficient offered for the service, then it be lawfull for the Gov<sup>r</sup> and assistants to presse in his Maties name by their warrant directed to the Constables. Provided if any that shall goe returne maymed & hurt he shall be mayntayned competently by the colony during his life. And also that if there shalbe neede of horses for the Countrey's service it shalbe lawfull for the Gov<sup>r</sup> and assistants likewise to presse horses paying them for them for said service by the or taking order for their payment.

If wounded to be supported by the colony.

Horses to be taken for the public service.

Re-enacted in 1653.

Persons convicted of misdemeanors to be censured by the bench.

That concerning misdemeanors as any shall be convicted in court of any particular to be sensured by the bench according to the nature of the offence as God shall direct them.

#### MARRIAGE.

No person under covert of parents allowed to marry without their consent.

When this cannot be obtained, to be referred to Gov. or some one of the assistants.

To be published three times. Re-enacted in 1653.

That none be allowed to marry that are under the covert of parents but by their consent and approbacon. But in case consent cannot be had then it shalbe with the consent of the Gov<sup>r</sup> or some assistant to whom the persons are knowne, whose care it shall be to see the marriage be fitt before it be allowed by him. And after approbation be three severall times published before the solemnising of it. Or els in places where there is no such meetings that contracts or agreements of marriage may be so published that then it shall be lawfull to publish them by a writing thereof made and set upon the usuall publicke place for the space of fiteene days, provided that the writing be under some majestrats hand or by his order.

#### DEPARTING COURTE.

None allowed to leave the court till dismissed.

That all such as dept any his Maties Courts before they be dismissed without due leave be amerced in three shillings fine.

#### TIMBER OF SWAMPS.

No timber to be sold from any of the swamps reserved for public use.

That no man make sale or sell out of the Colony's any kind of boards planks or timber that hath been growing in any the swamps that are reserved for publicke use without leave but shall onely so doe of such as arise out of his owne proper ground.

#### PARTICULAR ARMS.

That each person for himselfe &c. according to Jan. 2<sup>d</sup> 1632 have

peece, powder and shott viz: a sufficient musket or other serviceable peece for war with bandeleroes sword and other appurtenances for himself and each man servant he keepeth able to beare armes. And that for himselfe & each such person under him he be at all times furnished with two pounds of powder and ten pounds of bullets & for each default to forfeit ten shillings.

Every person to have arms, powder, &c.

Since this time it is agreed upon by the Commissioners that it shalbe but one pound of powder and foure pounds of bullets, with match foure fathome for eich matchcock peece.

Former law repealed.

That no sheep be sold out of the colonies if competent price will here be given for them.

No sheep to be sold out of the colony.

That whatsoever damage comes to any by cows goats mares sheepe or any of those kindes by coming into their corne or gardens be made good by the owners of the said cattle as it shall be valued by two of the neighbours. And that it shall be lawfull upon each such trespass to impound the cattle trespassing till due satisfaction be made.

Repealed and erased.  
Cattle, when to be impounded.  
Repealed and erased.

#### SWINE.

That no man keep more swine than he can ordinarily keepe about his owne place and that they be doubly wrung or at least sufficiently wrung that they roote not up & destroy the meadows. And in case any shall finde himselfe aggrieved and require the yoaking of any unruly swine by reason of damage he is like to sustaine then to forfeit for every such default per weeke besides the damage five shillings.

Swine to be kept ringed and yoked.

Also if in case any be found unwrung or unyoaked after notice as before then to forfeit upon discovery of it for each swine 2<sup>s</sup> and for every weeke after any shall so continue five shillings—the one half to come to the person so finding and discovering them—the other half to the township to which the owner belongs. Also that all piggs at or before ten weeks old shall be rung—and upon sufficient notice to the next justice of the peace, he to grant warrant to the constable to straine any of these fines. The time of yoaking to continue from mid. June to Sept. ult. But if any lose their rings or yoakes the first notice to be without fine.

Penalty for neglect.

#### PURCHASERS LANDS.

That whereas as well the lands within this patent as the muniçon &c was bought by way of purchase by diverse the inhabitants of New Plymouth and that the said purchasers are possessed but of small proportions of land and many of them meane :—it is therefore

Certain lands to be reserved for the first purchasers.  
Repealed.

thought meet that the said purchasers shall hold and have reserved for themselves and their heirs so much land in such place and places, as they shall judge meete and convenient for themselves, and their heirs aforesaid.

Remainder of  
lands surren-  
dered by them.

That place and places convenient reserved for the said purchasers and their heirs. They surrender the remainder of the lands to be disposed of within the limits of the L<sup>rs</sup> patent dated to W. B. and his associates—to the government consisting of the magistrates and freemen of this corporaçon.

#### LAND TO CHILDREN.

Children born  
or brought up  
in the colony to  
have a prefer-  
ence over others.  
Repealed.

That such children as heere born and next unto them such as are heere brought up under their parents and are come to the age of discretion allowed and want lands for their accommodation be provided for in place convenient before any that either come from England or elsewhere, then to seeke as they are.

Form of registry  
to be inserted.

That a convenient forme for registry of men's particular holds be heer inserted.

#### KILLING WOLVES.

Four bushels of  
corn to be paid  
to the person who  
shall kill a wolf.

That whoever shall kill a wolfe and make it suffice. knowne to the gov<sup>r</sup>. or some assistant shall have four bushell of corne to be raysted of the constablerick or liberties.

#### IRON TRAPS.

No guns or iron  
traps to be set  
near the high  
way, &c.

That no guns or iron traps be sett unles in particular inclosures and that not neere any high way.

#### TRESPASSES.

Cattle to be im-  
pounded.

That whatever damage come to any by cowes goats mares sheepe or hogs by breaking into mens suffice. inclosures it shall be lawful for the persons so damnified to impound them and two indifferent men to view the damage which accordingly shall be given and payd.

#### RETAILERS OF WINE AND BEERE.

Wine, strong  
water, &c. to be  
sold only in inns  
& victualling  
houses.

That none be suffered to retail wine strong water or beere either within doores or without except in inns or victualling houses allowed and that no beere be sold in any such place to exceed in price two pence the Winchester quart.



## DRUNKNESS.

That such as either drinke drunke in their persons or suffer any to drinke drunke in their houses be enquired into amongst other misdemeanors & accordingly punished or fined or both by the discretion of the bench.

Those who get drunk or suffer others to become so in their houses to be punished.

That the children and serv<sup>ts</sup> of such as dweel neer any victualling house be not entertayned or suffered by the M<sup>r</sup> of the said house there to drinke and spend their time ; but if any such thing can be proved it be esteemed a misdemeanor punishable in the said victualler and to be enquired into.

Children and servants not allowed to spend their time in a victualling house.

LANDS TO SERV<sup>TS</sup>.

That such servants as come out of their times and are by their Cov<sup>ts</sup> to have lands to have onely five acres apeece at pr<sup>nt</sup>. And that if they be found fit to occupie it for themselves in some convenient place.

Servants, that come out of their time, to have onely five acres of land.

That from this time forward whoever shall cov<sup>t</sup> to give lands by Indenture to their servants at the expiration of their service shall make good the same out of their pp. lands ; the Government being free from any such cov<sup>ts</sup> & therefore not to be expected.

Masters required to perform their covenants with their servants.

## PURCHASERS AND FREEMEN OF PLYMOUTH.

That the Towne of Plymouth viz<sup>t</sup> the purchasers & freemen have liberty of themselves to dispose of the lands that doe or shall belong unto them to such they think meet to receive it unto them. And also to make such orders for their convenient & more comfortable subsistence as shall by them be thought most meet & convenient ; provided they be not contrary to the publick ordnances of the Govern<sup>t</sup>.

The purchasers and freemen of Plymouth have liberty to dispose of their lands, &c.

That Scituate be allowed the like liberties and to dispose of the grounds between the North river and Cowehasset provided they have recourse to Plymouth in case of justice.

Scituate to have the same liberty.

## LANDS GIVEN TO PERSONS WHO LIVE NOT UPON THE SAME.

That Whereas Lands are given & granted to persons upon supposall of their living upon them for the maintenance & strength of society ; if it fall out that persons shall not occupie any such lands, but dep<sup>t</sup> from the same place such former graunt or grants to be of none effect but shall returne & be otherwise disposed of by the Govern<sup>t</sup> in Generall or Toweship in particular as it shall fall out.

Lands to be forfeited which are not occupied by the persons to whom they are granted.  
Repealed.

## MISDEMEANORS PRESENTABLE.

Misdemeanors  
to be inquired of  
by the grand in-  
quest.

That all such misdemeanors of any p.son or p.sons as tend to the hurt & detriment of society Civility peace & neighborhood be enquired into by the grand Enquest and the p.sons presented to the Court that so the disturbers thereof may be punished & the peace and welfare of the subject comfortably preserved.

## HOLY DAYS.

Days of fasting  
and thanksgiving  
to be appointed  
by Gov. and As-  
sistants.  
Repealed.

That it be in the power of the Gov<sup>r</sup> & Assist<sup>s</sup> to command solemn daies of humiliation by fasting &c. and also for thanksgiving as occasion shall be offered.

## THE OFFICE AND FEES OF THE MESSENGER.

Duties of Mes-  
senger.

To be ready at the Governour's or any the Assistants warning ; to doe such service as shall be appointed for the good of the severall Colonies within this Govern<sup>t</sup> & to be esteemed as a publicke officer to doe & execute according to the nature of such warrants as shall be directed to him in any p<sup>t</sup> thereof. As Constable for the speciall ward belonging to Plymouth viz<sup>t</sup> from Jones River southward so far as any inhabite at present. As Jaylor to keepe such as shall be comitted. And either to execute such punishment as shall be inflicted by publick censure or cause it to be done. To give warning of such marriages as shall be approved by authority. To seale those measures & weights that be allowed, & to measure out such lands as shall be ordered by the Gov<sup>r</sup> or Govern<sup>t</sup>.

## THE FEES ALLOWED.

For comittment 2<sup>s</sup> 6<sup>d</sup>—for releasement 2<sup>s</sup> 6<sup>d</sup>.

For ordinary within his spec. Constablerick 6<sup>d</sup>.

For imprisonment 2<sup>s</sup> 6<sup>d</sup> p. day.

The halfe of all fines not exceeding 6<sup>s</sup>.

For giving notice of weddings 12<sup>d</sup>.

For serving any execu<sup>cion</sup> 2<sup>s</sup> 6<sup>d</sup> his ordinary fee & 6<sup>d</sup> in the £ extraordinary ; but if the place be far to goe then 2<sup>d</sup> a mile.

For scaling of measures 4<sup>d</sup> a peece.

For weights 2<sup>d</sup>.

For measuring of land according to the distance & trouble of the same and his paines therein not to be valued with comon labor but as a publick officer that attends the duties of his place.

## THE OATH OF THE MESSENGER.

You shall be truly loyall to our Sovereigne Lord the King, his heires & successors. You shall duly, truly & faithfully waite uppon, performe & execute the office of                    you are called unto, seeking by all due meanes the welfare of the severall Colonies within this Govern<sup>t</sup> of New Plymouth. Attending such order, obeying such warrants & doing such service as the Governor for the time being, or any of his Assistants, shall require, either in the behalfe of our Sov. Lord the King, or between man & man, as the case requireth for the peace and tranquillity of the place. You shall to the utmost of your power safely keepe such prisoners as are comitted to your custody, and inflict or execute such sentence as shall be awarded, or cause it to be done. Also such weights & measures as shall be brought unto you, you shall as neere as may be, make agreeable with the standard comitted to your trust, and shall onely take such fees as are allowed without fraud or oppression. You shall also faithfully duly & truly serve our Sov. Lord the K. in the office of a Constable in the ward of New Plymouth wherein you shall see that his Maties peace comanded be not broken; but shall apprehend any that shall disturbe the same, and bring him or them before the Gov<sup>r</sup> or some one of the Assistants for the time being, and there attend such order as shall be given. All which you shall faithfully promise to observe & doe. So helpe you God, who is the God of truth & punisher of falsehood.

A FORME TO BE PLACED BEFORE THE RECORDS OF THE SEVER-  
ALL INHERITANCES GRANTED TO ALL AND EVERY THE KING'S  
SUBJECTS INHABITING WITH THE GOVERNMENT OF NEW PLY-  
MOUTH.

Whereas John Carver, Will. Bradford, Edw. Wyncslow, William Brewster, Isaack Allerton and divers others the subjects of our late Sov. Lord James by the grace of God King of Engl. Scotl. France & Ire. defender of the faith &c. did in the eighteenth yeare of his raigne of Engl. France & Ireland and of Scotland the fiftie four, which was in the year of our Lord God 1620 undertake a voyage into that pt of America called Virginia or New England thereunto adjoining there to erect a plantacon and colony of English, intending the glory of God & the enlargement of his Maties dominions and the speciall good of the English nation.

Object of the first  
settlement.

And whereas by the <sup>e</sup>good providence of our gracious God the said John Carver, Will. Bradford, Edward Wyncslow, William

The civil combination formed at Cape Cod Nov. 11, 1620.

Treaty with Massasoit, who gave them lands and acknowledged himself the subject of king James.

The charter to John Peirce and associates.

The charter to William Bradford and associates.

Brewster, Isaac Allerton and their associates arrived in New England aforesaid in the harbor of Cape Cod or Paumet scituate and being in New Engl. aforesaid, where all the said persons entered into a Civill combinaçon being the eleventh of Nov<sup>br</sup> in the yeare afore mençoned as the subjects of our said Sov. Lord the King to become a body politick, binding ourselves to observe such lawes & ordinances & obey such officers as from time to time should be made & chosen for our well ordering and guidance: and thereupon by the favor of the Almighty began the first Colony in New Engl. there being then no other within the said continent at a place called by the natives Apaum als Patuxet but by the English New Plymouth. All which lands being void of inhabitants we the said John Carver, Will. Bradford, Edward Wynslow, William Brewster, Isaack Allerton & the rest of our associates entring into a league of peace with Massasouat since called Woosamequin Prince or Sachem of those parts. He the said Massasouat freely gave them all the lands adjacent to them & their heires forever, acknowledging himself content to become the subject of our Sov. Lord the King aforesaid his heires & successors. And taking protecçon of us the said John Carver, Will. Bradford, Edward Wynslow, William Brewster, Isaack Allerton & their associates the naturall subjects of our Sov. Lord the King aforesaid. But having no speciall L<sup>rs</sup> Patents for the said p<sup>ts</sup> of New Engl. but onely the generall leave and liking of his Matie aforesaid for the free exercise of the leave and liberty of our consciences in the publick worship & service of God wherever we should settle. Being therefore now settled and requiring speciall licence & commissions from his Matie for the ordering our affaires under his gracious protecçon had sundry Commissions made and confirmed by his said Matie's Councell for New Engl. for John Peirce & his associates whose name we onely made use of, and whose associates we were in the late happy & memorable raigne of our said Sovereigne Lord King James. But finding ourselves still streightened and a willingness in the Honorable Councell aforesaid to enlarge us partly in regard of the many difficulties we had undergone and p<sup>t</sup> in regard of the good service we had done as well in relieving his Matie's subjects as otherwies, we procured a further enlargement under the name of William Bradford aforesaid & his associates whose name we likewise used and whose associates as formerly we still are ; By vertue of which L<sup>rs</sup> Patents liberty is given unto us derivatory from our Sov. Lord King Charles bearing date, the thirteenth of January 1629 being the fift yeare of his raigne of Engl. Scotl. France & Irel. &c. and signed by the Right Hon<sup>ble</sup> Robert Earle of Warwick in the behalfe of the rest of his Matie's

said Councell for New Engl. & sealed with their comon scale, allowed to frame & make orders ordnances & Constitutions for the ordering disposing & governing of our persons & distributing the lands within the said limits to be holden of his Ma<sup>tie</sup> his heires & his successors as of his Mannor of East Greenwich in the County of Kent in free and comon soccage and not *in capite* nor by knights service, viz<sup>t</sup>. All that part of New-Engl. in America & tract & tracts of land that lie within or betweene a certaine Rivolett or Rundlett there comonly called Coahasset alias Conahasset towards the north, & the river comonly called Naragunset river towards the south, and the greate Western Ocean towards the East, & betweene and within a streight line directly extending up into the maine land towards the west from the mouth of the said river called Naragansett River to the utmost limits & bounds of a Countrey or place in New Engl. comonly called Pokenacutt alias Puckenakick alias Sawaamset westward, and another like strait line extending itselfe directly from the mouth of the said River Coahasset alias Conahasset towards the west so far up into the maine land westwards as the utmost limits of the said place or Countrey comonly called Pokenacutt alias Puckenakick als. Sawaamset doe extend, together with one halfe of the said River called Naragunsetts & the said rivolet or rundlet called Coahasset alias Conahasset: and all lands rivers waters havens creeks ports fishings fowlings & all hereditaments profits Comodities & emoluments whatsoever scituate lying & being or arising within or between the said limits & bounds or any of them. Furthermore all that tract of land or p<sup>t</sup> of New Engl. or p<sup>t</sup> of America aforesaid which lieth within or between & extendeth itselfe from the utmost limits of Cobbisecontee alias Comaseconte which adjoyneth to the river of Kenebeke alias Kenebekike towards the western Ocean & a place called the falls at Nequamkike in America aforesaid, and the space of fifteen English miles on each side of the said River comonly called Kenebeck River & all the said River called Kenebeck that lieth within the said limits & bounds Eastward Westward Northward or Southward last above men<sup>tioned</sup>, and all lands grounds soyles rivers waters fishings hereditaments & profitts whatsoever scituate lying or being arising happening or accrewing or which shall arise, happen or accrew in or within the said limits & bounds or either of them together with free ingresse egresse & regresse with ships boats shallops or other vessels from the sea comonly called the Western Ocean to the said River called Kenebeck & from the said River to the said Western Ocean, together with all prerogatives rights royalties Jurisdic<sup>tions</sup> privileges franchises lib.

Powers and  
privileges given.

erties & immunities & also marine liberty with the Escheats & Casualties thereof the Admiralty Jurisdiction excepted, with all the interest right title claime & demand whatsoever which the said Councill & their successors now have or ought to have or may have & require hereafter in or to any the said porcion or tract of lands hereby mentoned to be granted, or any the premises in as free large ample & beneficiall manner to all intents construccions and purposes whatsoever as the said Councill by virtue of his Maties said L<sup>rs</sup> Patents may or can grant ; To have and to hold the said tract and tracts of land, & all & singular the premises above mentoned, to be granted with their and every of their appurtenances, to the said William Bradford, his heires, associats & assigns for ever to the onely proper & absolute use & behoofe of the said Will. Bradford, his heires, associats & assignes forever ; Yeilding & paying unto our said Sov. Lord the King, his heires & Successors forever one fift part of the Oare of the Mines of Gold & silver, & one other fift part thereof to the President & Councill, which shall be had, possessed and obtayned within the precincts aforesaid for all services and demands whatsoever, allowing the said W. Bradford, his associats & assignes & every of them, his & their factors, agents, tenants & servants, and all such as he or they shall send & employ about his said particular plantacon, shall and may from time to time freely & lawfully goe & returne, trade & traffick as well with the English as any the natives within the precincts aforesaid, with liberty of fishing upon any part of the Sea Coast & Sea Shores of any the Seas or Islands adjacent, & not being inhabited or otherwaies disposed of by order of the said President & Councill ; Forbidding all others to traffick with the natives or inhabite any the said limits without the speciall leave of the said W. Bradford his heires or associats, and allowing the said W. Bradford his heires & associats to take apprehend seise & make prize of all such persons their ships & goods as shall attempt to inhabite or trade with the salvage people as aforesaid &c.

Moreover whereas in the first beginning of this Colony divers merch<sup>ts</sup> and others of the City of London & elsewhere adventured divers sums of money with the said John Carver, Will. Bradford, Ed. Wynslow, William Brewster, Isaack Allerton and the rest their associats on certaine termes of p<sup>n</sup>ership to continue for the terme of seaven yeares ; The said terme being expired the plantacon by reason of the manifold losses & crosses by sea & land in the beginning of so great a worke being largely indebted, & no meanes to pay the said debts but by the sale of the whole, and the same

The purchase of the plantation of divers merchants and others of London, and elsewhere.

being put to sale we the said Will. Bradford, Edw. Wynslow, William Brewster, Isaack Allerton & other our Associats the Inhabitants of New Plymouth & elsewhere being loath to be deprived of our labors bought the same for & in consideraçon of eighteen hundred pounds starling viz<sup>t</sup> all & singular the priviledges lands goods buildings chattels ordnance, munición or whatsoever appurtenayned to the said plantaçon, or the Adventurers with all & singular the priviledges thereunto belonging as appeareth by a deed between the said Isaack Allerton then Agent for the said Will. Bradford & his Associats on the one pt. and John Pocock, Rob<sup>t</sup> Keyne, Edward Basse, James Sherley & John Beauchamp on the other pt., being thereunto deputed by the said merchants & the rest adventuring as aforesaid as appeareth by a deed bearing date the sixt of November in the third yeare of the raigne of our Sov. Lord Charles by the grace of God King of Engl. Scotl. France, & Ireland, &c. Anno Dom. 1627. Be it knowne therefore unto all men by these prīts, That according to our first intents for the better effecting the glory of God, the enlargement of the dominions of our said Sov. Lord the King and the speciall good of his subjects, by vertue as well of our Combinaçon aforesaid, as also the severall grants by us procured in the names of Joh. Peirce and Will. Bradford their heires and Associats, together with our lawfull right in respect of vacancy donaçon or purchase of the natives, and our full purchase of the Adventurers before expressed have given unto allotted assigned & granted to all and every p.son & persons whose name or names shall follow upon the publick Record such propoçon or proporçons of grounds with all & singular the priviledges thereunto belonging as aforesaid to him or them his or their heires & assignes successively forever; to be holden of his Ma<sup>tie</sup> of Engl. his heires and successors as of his Mannor of East Greenwich in the County of Kent in free and comon Soccage, and not *in Capite*, nor by Knights service; Yielding and paying to our said Sov. Lord the King, his heires and Successors forever, one fift pt. of the Oare of the Mines of Gold & Silver and one other fift pt. to the President & Councell which shall be had possessed and obtayned as aforesaid. And whatsoever lands are granted to any by the said William Bradford, Edw. Wynslow, William Brewster, Isaack Allerton their heires & Associats as aforesaid being acknowledged in public Court & brought unto this booke of Record of the severall inheritances of the subjects of our Sov. L. the King within this Government it shall be lawfull for the Gov<sup>r</sup> of New Plymouth aforesaid from time to time successively to give under the Comon Seale of the Government a copy of the said

By virtue of the rights and priviledges as before recited, grants of land are made.

To be held as of the manor of East Greenwich.

A copy of the record of a grant of land given by the Governor under the common seal, to be sufficient evidence of title.

grant so recorded. Confirming the said lands to him or them his or their heires & Assignes forever, with the severall bounds and limits of the same ; Which shall be sufficient Evidence in law from time to time and at all times for the said p<sup>tie</sup> or p<sup>ties</sup> his or their heires or assignes. To have and to hold the said portion of land so granted bounded and recorded as aforesaid with all and singular the appurtenances thereunto belonging to the onely prop. and absolute use and behoofe of the said p<sup>tie</sup> or p<sup>ties</sup> his or their heires and assignes forever.

A FORME OF EVIDENCE FOR THE PARTICULAR HOLD OF LANDS  
WITHIN THE GOVERNMENT OF NEW PLYMOUTH.

Be it knowne unto all men by these pr<sup>its</sup>, That such a portion of land bounded so & so, and contayning so many acres was granted and in publick court confirmed by William Bradford and his Associates, holden at New Plym. the 3<sup>d</sup> of Jan. in the 12<sup>th</sup> yeare of the raigne of our Sov. Lord Charles by the grace of God King of Engl. Scotl. France and Irel. &c. to A. B. his heires and assignes forever, The said lands to be holden of his Matie and his successors as of his Mannor of East Greenwich in the County of Kent in free and comon soccage and not *in Capite* ; To have and to hold the said lands, and all and singular the appurtenances thereunto belonging to the said A. B. his heires and Assignes forever ; Yeilding and paying to our said Sov. Lord the King his heires and successors forever one fift p<sup>t</sup> of the Oare of the Mines of Gold and silver, and one other fift pt. thereof to the President & Councell which shall be had possessed & obtayned within the precincts or limits of his said bounds before expressed for all services & demands whatsoever. In witness whereof I E. W. Gov<sup>r</sup> of New Plymouth aforesaid, for our Sov. L. the King this pr<sup>nt</sup> yeare of our Lord 1636, by vertue of the power comitted to me have signed this deed, declaring it to be full absolute & sufficient evidence to the said A. B. his heires and assignes forever for the hold of the lands above men<sup>o</sup>ned with all and singular the appurtenances thereunto belonging in as full and ample manner as may be yielding and paying as aforesaid, and for further confirma<sup>o</sup>n have signed this deed & put to our comon Scale of Government the tenth of Febr. in the said 12<sup>th</sup> yeare of the raigne of our Sov. Lord Charles by the grace of God, K. of Engl. Scotl. France & Irel. &c.

Pr me E. W. G<sup>r</sup>.

At the gen<sup>al</sup> Court held at New Plymouth the 3<sup>d</sup> of January 1636 in the XII<sup>th</sup> yeare of the raigne of our Sovereigne Lord



Charles by the grace of God of Engl. &c. Kinge defender of the fayth &c before Edward Winslowe gent. Gov<sup>r</sup> Will. Bradford Thomas Prynce John Alden Steeven Hopkins W<sup>m</sup> Collyer Tymothy Hatherley and John Browne Gentle. Assistants &c.

Whereas Mr. Hatherly in the behalf of the church of Scituate informed this Court That the place for ought they can yet decerne is too streate for them to reside comfortably upon and that the lands adjacent are very stony and not convenient to plant, upon—whereby they are disabled to receive any more neighbours for their more comfortable societie it is therefore consented unto and agreed upon by the Court, That the said Inhabitants of Scituate shall have libertie to seeke out a convenient place for their residing within the colony and to give notice thereof to the Gov<sup>r</sup> and assistants that they may cause the same to be viewed, and if the same shalbe thought convenyent then to be granted unto them unlesse there shall be some other lands found fitt to be layd to them for their moore comfortable subsistence at Scituate.

Jan.  
The inhabitants of Scituate to have liberty to seek a new residence.

#### THE CUTT AT MARSHFIELD TO BE ENLARGED.

It is also ordered by the Court that the Cutt at Greenes Harbor for a boate passage shall be eighteene foote wide and sixe foote deepe. And for the manner how the same shalbe donn for the better ordering thereof it is referred to the Gov<sup>r</sup> and Assistants with the help of John Winslowe Jonathan Brewster John Barnes & Christopher Waddesworth, as well to proportion every man equally to the charge thereof as also to order men that shall worke thereat, that ten men may worke together there at once and that the Gov<sup>r</sup> or whom he shall appoynt shall oversee the same that it may be well performed.

To be 18 feet wide and 6 feet deep.

The Governor to superintend the work or appoint some other person.

#### PLYMOUTH TO MAKE ORDERS.

It is also ordered and enacted by the Court that the Inhabitants of New Plymouth shall have liberty to meete together, to make orders for the herdinge of their Cattle and such other things as shalbe needfull for their moore neighbourly livinge together.

It is ordered by the Court, That the corne of John Jenney Thomas Willet and George Watson seized by the Gov<sup>r</sup> to the use of the Collony by virtue of a former lawe shalbe referred to the bench to deale therein as they shall see cause.

The bench to decide what shall be done with the corn of John Jenney, &c.

## TREATY ABOUT THE TRADE.

It is order by the Court, That Mr. Collyer Mr. Hopkins, Mr. Browne, Mr. Done John Jenney Jonathan Brewster John Winslowe and Thomas Willett shall treat with those that have the trade in their hands & to prepare such conclusions concerning the same, That the Court being made acquainted therewith and approveing thereof may conclude the same with them.

At the Gen'all Court held the VII<sup>th</sup> March 1636, Mr Bradford, Gov.

Whoever shoots in the night time shall be fined 20 shillings, unless &c.  
Re-enacted in 1658.

It is concluded upon by the Court, that if any shall shoote of a peece at any fowle or otherwise in the night tyme betwixt day light and day light shall forfeite twenty shillings for every shott to be payd to the treasurer to the use of the Collony, except he shoote at a wolfe or for the findinge of some man lost.

## ALLARUM.

Shooting three times to be considered an allarum, and twice to give warning of fire.  
Re-enacted in 1658.

It is also concluded upon by the Court That three peeces shott of distinctly one after another shalbe an allarum. And two peeces to give warneing of some house on fier.

## MILL AT PLIMOUTH.

John Jenney to have liberty to erect a mill, and to take toll.

It is concluded upon by the Court That Mr. John Jenney shall have liberty to erect a Milne for grinding and beating of Corne upon the brooke of Plymouth to be to him & his heires forever; And shall have a pottle of Corne toule upon every bushell for grinding the same for the space of the two first years next after the said Milne is erected and afterwards but a quart at a bushel for all that is brought to the milne by others, but if he fetch it and grind it himselfe or by his servants then to have a pottle toule for every bushell as before.

## LADDERS.

Forasmuch as great losses have heretofore happened by fyre whereby men have had their houses and goods within the same utterly consumed, which might have been prevented in some good measure if Ladders could have beene had neere hand. It is therefore enacted by the Court That every householder within this Colony & Government shall have one sufficient ladder or ladders at least about his house which will reach ye top, upon penalty of every such default to forfeite tenn shillings to be leavyed to the use of the Government.

Every household-er to have a ladder.

## INHABITANTS OF PLYMOUTH.

It is enacted by the Court, That noe person or persons hereafter shall be admitted to live and inhabite within the Government of New Plymouth without the leave and likeinge of the Governour or two of the Assistants at least.

None to live in the colony without the consent of the Gov. or two assistants.  
Re-enacted in 1658.

## WATCH FOR THE SAFETY OF THE GOVERNOR.

It is enacted by the Court That there shalbe a watch of foure men hyred to keepe watch at New Plymouth at the publicke charge for the safety of the person of the Governor. And the Towne of New Plymouth to add more men unto them to strengthen them as neede shall require.

Four men to keep watch at New Plymouth.

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1637.

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It is concluded and enacted by the Court, that the colony of New Plymouth shall send forth ayd to assist them of Massachusetts Bay and Conectacutt in their wars against the Pequian Indians in reveng of the Innocent Blood of the English, w<sup>ch</sup> the s<sup>d</sup> Pequins have barbarously shed and refuse to give satisfac<sup>on</sup> for.

June.  
The colony to send aid to Mass<sup>ts</sup> and Conn.

It is also enacted by the court that there shall be thirty persons sent for land service, and as many others as shall be sufficient to manage the Barque.

Thirty persons for the land ser<sup>vice</sup>.

It is enacted by the Court that if any man having any parcells or vessells of herings at the weare growing noysome, and shall lett them remayne there one day after they shall be warned thereof, the partie so delinquent shall forfeit ten shillings for the said parcell of herings, be it firkin, barrell or hodgshead, or any other vessel, and to have no more hearings untill they have paid the fyne.

Ten shillings to be forfeited by any who shall allow herring to remain at the weir till they become noisome.

It is enacted by the Court, That Ducksborrow shall become a Towneship and unite together for their better securitie and to have the priviledges of a Towne onely their bounds and limmits shalbe sett and appoynted by the next Court.

Duxbury made a township.

It is also ordered by the court that there shall be a guard of twelve musketiers to attend the p<sup>erson</sup> of the Gov<sup>er</sup>ner on the Lord's day and at other times when it shall be required.

The governor to have a guard of 12 men.

## OF FISH.

It is enacted by the court, that six score and twelve fishes shall be accounted to the hundred of all sorts of fishes.

Oct.  
Six score and twelve fish to be accounted one hundred.  
Re-enacted in 1658.

## SWINE.

Swine to be ring-  
ed.

It is enacted by the Court, That all Swine within these Colonies shalbe sufficiently ringed after they shall be tenn weeks old, and if that any shalbe complayned of to be unruly, that then they be yeoked upon the penalty of sixpence for every swine that shalbe found unringed and not presently ringed upon warning given thereof, and this to be donn by the first of November next.

Taunton.

Taunton began here to be added to this booke.

March.

A former act sus-  
pended in favour  
of Gov. Prince.

Whereas Mr Thomas Prince is this court elected Governor and in regard of an act of the court requiring his residency and government to be held at Plymouth and that Mr Prince was very unwilling and refused to undergoe the same, yet takeing the same into further consideracon, was willing (at the request of the court) to condiscend thereunto upon two condicons w<sup>ch</sup> were these first, that Mr Bradford would still continue Governor untill Mr Prince could provide himself in some measure fitt for the place whereunto Mr Bradford condiscended so that it might not be longer than the next quarterly court, and the second condicon was that the court would dispense w<sup>th</sup> the said act and that he might reside at Duxborrow (if w<sup>th</sup>out manifest detriment he cannot remove to Plymouth), the w<sup>ch</sup> he promiseth to do if possibly he cann, and in the meane season to keepe his quarterly courts at Plymouth, whereunto the court did consent, laying aside the force of the said act for this p<sup>t</sup>sent, but not to be a p<sup>r</sup>sident for tyme to come.

Old officers to  
continue in office  
till next court.

It is also agreed upon by the whole consent of the court, that Mr Bradford shall continue Gov<sup>r</sup> untill the next court, and the assistants also to continue in their places upon their former oathes until then, and likewise that the grand jury and constables do continue in their places and offices until the next court also.

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1638.

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June.

No householder  
to take a servant  
into copartner-  
ship with him.

Contracts of ser-  
vants to be re-  
corded.

No servant to be  
hired for less than  
half a year.

Erased in the  
original records.

It is enacted by the court, that no householder within this govern-ment shall take any servant coming out of his tyme or other serant, that is not of manual trade into partnership with him upon penalty to forfeite five pounds sterl. for every such default, except he shall be allowed by the gov<sup>r</sup> & assistants so to doe. And that all contracts for servants for any tyme shall be recorded before the gov<sup>r</sup> or some one of the assistants. And that none shall hire a servant under half a year.

Whereas there is a great abuse in takeing of tobaccoe in very uncivill manner openly in the Towne streets and as men pass upon the heigh wayes, as also in the fields and as men are at worke in the woods & fields to the neglect of their labours, and to the great reproach of this government, it is therefore enacted by the court, that if any shall be found or seene taking tobaccoe in the streets of any towne within the Colonys of this gov<sup>r</sup>ment, or in any barne or out-house, or by the heigh wayes, and not above a mile from a dwelling house, or at his work in the fields, where hee doth not dyne or eate his meate, that every such person or persons so offending shall forthwith pay xii<sup>d</sup> for every such offence as oft as he, or they shall so offend, and shall be lawful upon informa<sup>c</sup>on for the constable of the towneship or next to the place where such offence shall be committed to distrayne his goods for yt; if he refuse to pay it upon demand. And for boyes and servants that shall offend herein and have nothing to pay to be set in the stocks for the first default, and for the second to be whipt.

Sept.  
Penalty for tak-  
ing tobacco.  
Erased in the  
original records.

## FIREING OF WOODS.

Whereas many have sustayned great damage by the indiscreet fireing of the woods It is by this p<sup>r</sup>nte order for bidden to any to set fyre on them except betweene the first day of the month of February and the middest of the month of Aprill. And that whatsoever damage cometh to any by the breach of this order in fireing the woods otherwise to be made good by the delinquent, and whensoever any are justly occasioned to fyre the same they shall give warneing to the neighbours aboute them, and if any person fire ye woods yet hath noe just cause so to doe, he shall forfeite X<sup>s</sup> to ye countries use or be whipt.

Firing of woods  
forbidden, ex-  
cept—

## NORTH FERRY.

Whereas there is greate need of a ferry boat to be erected to transport men and cattell over the North River, many complaininge of the want thereof and such as passed that way were at great charge, & put to many inconveniences for want thereof. For the redressing whereof, It is enacted by the Court, That there shall be xii<sup>d</sup> for every family levied throughout the Govern<sup>t</sup> towards the charges of the building of two vessells, or boats for the Transporta<sup>c</sup>on of men and Cattell over the said River at the now passage place, and that Mr. Jonathan Brewster shall have the keepeing and the profits of the said ferry to have and to hold to him and his heires forever, and shall build and from tyme to tyme mayntaine two sufficient boats or vessells, one for the carrying of men and another for carrying of Cat-

Sept.  
Ferry over the  
North River.

Rates of toll.

tell over the said North River with a sufficient man or two to attend them. And shall have these rates for the first yeare, viz<sup>t</sup>. for a man 2<sup>d</sup>. for a horse and his rider 6<sup>d</sup>.—for a beast 6<sup>d</sup>.—for swine and goates 2<sup>d</sup>. a piece. And after the first yeare for a man 2<sup>d</sup>. for a horse and his rider 6<sup>d</sup>. for a beast 4<sup>d</sup>., and for a goate or swine 1<sup>d</sup>. of all men of what plantaçon soever.

#### BRIDGES.

Bridges to be built over South river, Joanes river and Eel river.

Whereas there is great necessity of a bridge over the South River, another over Joanes River and another over the Eele River. It is enacted by the Court, That the Inhabitants of Seitate shall build a bridge over the South River, and that the Inhabitants of Sandweech and Mattacheese or Yarmouth shall build a bridge over the Eele River, and the Inhabitants of the Townships of Plymouth and Duxborrow shall build a bridge over Joanes River. All which said bridges to be made passable for horsemen and footemen, and that there be a ferry boate kept in the interim to carry men over Joanes River, especially at the Court tymes or other special occations.

None allowed to purchase goods for the purpose of enhancing the price.  
Erased in the original.

Whereas there is great abuse complained of by buying and regratinge goods and commodities, which come in boates and vessels to be sould in divers places within this Goverment, and sellinge the same againe in the same towne and markets to the disappoynting of the necessyities of many and oppressing them in the price, when their necessyities do constraine them to buy them at any price. It is enacted by the Court, That none shall so buy any goods or comodities coming to be sould at any Towne within this Govern<sup>t</sup> by land or water to engrosse them into their hands to the end the price may be enhaunced by selling them againe in the same towne or markt, except he buy by wholesale to retayle the same againe at reasonable gaine; the abuse to be enquired of by the Grand enqueste and upon their presentment to be censured by the discretion of the Bench.

#### OATH OF FIDELITY.

Dec.  
Oath of fidelity to be administered by some of the Assistants.

Whereas divers persons are come to dwell in severall plantaçons within the Govern<sup>t</sup> without leave of the Govern<sup>t</sup> or taking the Oath of fidelitie contrary to the acts of this Court and because there are not magistrates dwelling in such places to exhibite the said Oath unto them. It is therefore enacted by the Court That such of the Assistants as the Govern<sup>t</sup> shall think fitt shalbe especially assigned to repaire to such places and to require the said oath of them, and for such as shall refuse to take yt That they be appoynted to repaire

to the Court at Plymouth: And that such as shalbe appoynted to be ymployed herein or in any other publike businesse have their charges borne by the Publike.

The charges of public officers to be paid by the publike.

## MARRIAGE.

Whereas divers persons unfitt for marriage both in regard of their yeong yeares as also in regard of their weake estate, some practising the enveagleing of mens daughters & maids under gardians contrary to their parents & gardians likeing and of mayde servants without leave and likeing of their masters. It is therefore enacted by the Court, That if any shall make any motion of marriage to any mans daughter or mayde servant not haveing first obtayned leave and consent of the parents or master so to doe shalbe punished either by fine or corporall punishment or both at the discretions of the bench and according to the nature of the offence.

No person allowed to court a daughter or servant without the consent of her father or master. Re-enacted in 1653.

It is also enacted that if a motion of marriage be duly made to the master and through any sinister end or covetous desire he will not consent thereunto, Then the cause to be made knowne unto the Magistrats and they to set downe such order therein as upon examination of the case shall appeare to be most equall on both parts.

Where the master refuses to give consent, an appeal may be made to the magistrates. Re-enacted in 1653.

## MILLNERS TOLLE.

It is enacted by the Court, That the Milner of Scituate shall not take above the sixteenth part of a bushell for grinding such Corne as is brought unto the Milne. And whereas there are divers other Millners within this Collony who are allowed competent toule for grinding and do not grind Corne as they ought to doe. It is enacted by the Court that such Millners shall either grind their Corne sufficiently or else that upon complaint to the Court thereof and the thing prooved the miller shall pay for every such default 6<sup>d</sup> for every bushell to the party greeved and 6<sup>d</sup> to the Treasurer for the Colonies use.

The miller at Scituate not allowed to take more than one sixteenth part of grain for grinding.

Penalty for not grinding properly. Re-enacted in 1653.

## LABORERS WAGES.

<sup>7</sup> It is enacted by the Court according to the former acts of this Court concerning labourers wages That a labourer shall have 12<sup>d</sup> a day and his dyett or 18<sup>d</sup> a day without dyett and not above throughout the Govern<sup>t</sup>.

Wages of laborers not to exceed 12 pence per day, &c. Repealed Sept. 1639.

## SWINE.

It is enacted by the Court That Swyne may be unringed from the first Tewsday in December to the first Tewsday in March following notwithstanding the former ordinance to the contrary.

Swine may go unringed from the first Tuesday in December to the first Tuesday in March.

## TRANSPORTINGE PERSONS INTO PATENT.

Masters of vessels  
forbidden to bring  
passengers into  
the colony with-  
out leave.  
Re-enacted in  
1653, with altera-  
tions.

It is enacted by the Court, That if any Master of a Boate shall bring any passengers or suffer any to be brought in his Boate into any plantacon within the Govern<sup>t</sup> and not have leave so to doe either from the Govern<sup>t</sup> or Committees of the place shall keepe them whilst they stay and recarry them and their goods to the place from whence they came.

## DYETTINGE IN ORDINARIES.

None allowed to  
resort to ordina-  
ries in the town  
where they re-  
side.  
Re-enacted in  
1653.

For asmuch as greate inconveniences have beene occasioned by yeong men and other labourers that have dyeted in Inns and Alehouses especially who have had other houses to repaire unto in the same Towne It is therefore enacted by the Court, That none shall dyett in Inns or Alehouses nor haunt them, which are in the Townes they live in, nor make them the ordinary place of their abode.

March.  
Two pence al-  
lowed the ferry-  
man at North  
river for each  
person carried  
over, except—

Concerning the ferrymen at the North river It is ordered and concluded upon by the Court, That if he shall carry onely one man both over the North & South river hee shall have foure pence, but if there be moore than one to set over then hee shall have but two pence a peece for as many as he can carry at once, and likewise that he shall have 2<sup>d</sup> a person forever for carrying them over the north river.

## WHO TO EXERCISE ARMS.

Concerning such as are allowed to exercise men in Armes in the severall Townes within this Govern<sup>t</sup> the Court doth order as followeth.

That Mr William Vassell & Wm. Hatch shall exercise the Inhabitants of Scituate in their Armes.

That Captaine Poole shall exercise the Inhabitants of Cohannett in their Armes.

That Captain Standish shalbe for Plymouth.

For Duxborrow Leestennant Holnes

For Sandwich John Blakemore

For Yarmouth Will<sup>m</sup> Palmer.

For Barnestable Mr Thom. Dimmack

For Marshfield Mr Nathaniell Thomas.

Persons not free-  
men allowed to  
vote in town af-  
fairs at Scituate.

Erased in the  
original.

It is enacted by the Court there shalbe as many of the Inhabitants of Scituate in number, which are not freemen added to the freemen there for ordering and concluding the Townes affaires for fencing of grounds, hearding of cattle, and such like occations, or els the whole Towne to meet together.



## DEPUTIES.

Whereas complaint was made that the freemen were put to many inconveniencies and great expences by their continuall attendance at the Courts, It is therefore enacted by the Court for the ease of the severall Colonies and Townes within the Government, That every Towne shall make choyce of two of their freemen and the Town of Plymouth of foure, to be Committees or deputies to joyne with the Bench to enact and make all such lawes and ordinances as shall be judged to be good and wholesome for the whole, provided that the lawes they doe enact shalbe propounded one Court to be considered upon till the next Court, and then to be confirmed, if they shal be approved of except the case require present confirmacon, And if any act shall be confirmed by the Bench and Committees which upon further deliberacon shall prove prejudiciall to the whole, That the freemen at the next eleccon Court after meeting together may repeale the same and enact any other usefull for the whole. And that every Towneship shall beare their Committees charges, and that such as are not freemen but have taken the oath of fidelitie and are masters of famylies and Inhabitants of the said Townes as they are to beare theire pt in the charges of their Committees so to have a vote in the choyce of them, provided they choose them onely of the freemen of the said Towne whereof they are : but if any such Committees shalbe insufficient or troublesome, that then the Bench and thother Comittees may dismisse them, and the Towne to choose other freemen in their place.

Deputies to be chosen.

Their powers in enacting laws.

Re-enacted in 1653, and the pay of deputies fixed at 2s 6d per day.

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1639.

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At the geñall court held the 4th June 1639.

It is enacted by the Court That, if any man shall sell or lend any kynd of guns, peeeces or pistolls, or any shott, leade or powder to any Indian, hee shall be punished for yt at the discretion of the Bench.

June  
None allowed to sell or lend guns, &c to Indians.  
Erased.

It is enacted by the Court, That every house holder within the Governmen<sup>t</sup> shall sowe one rodd of ground square at least with hemp or flax yearly, and some one in every Towne to be appoynted to see the same donn, and present it to the Court in June yearly.

Flax and hemp to be sown.  
Erased.

## MARKETTS &amp; FAYRES.

It is enacted by the Court, that there shalbe a marktett kept at Plymouth every Thursday, and a faire yearly the last Wensday in

Sept.  
Markets and fairs when kept.

May, & to continue two days and a faire at Duxborrow the first Wensday in October yearly, & to continue two days for all cattell & comodities.

The gov. or any of the assists. may empanell a jury to lay out a highway.  
Re-enacted in 1658.

It is enacted by the Court that if an highway bee wanting in any township of this Govern<sup>t</sup> upon due complaint that then the Gov<sup>r</sup> or any of the Assistants impanell a Jury and upon oath charge them to lay out such waies both for horse and foot as in Consience they shall find most beneficiall for the Comonwealth, and as little prejudiciall as may bee to the particulares, and that all old pathes shalbee still allowed except other provision bee orderly made ; and that where there are allowed foot pathes over any mans ground which is fenced up ; the owners of such fences shall make convenient stiles or gates.

#### IDLENESS.

Grand jurors to inquire whether any persons live idly and to cause such to be brought before the gov. & assist.

For the preventing of Idlenesse and other evils occasioned thereby, It is enacted by the Court, That the Grand Jurymen of every Towne shall have power within their severall Townships to take a speciall view and notice of all manner of persons, married or single dwelling within their severall Townes, that have small meanes to mayntaine them and are suspected to live idly & loosely, & to require an account of them how they live, and such as they fynd delinquent and cannot give a good account thereof unto them, that they cause the Constable to bring them before the Gov<sup>r</sup> and Assistants at Plymouth the first Court of Assistants after such delinquents shalbe found out, That such course may be taken with them as in the wisdom of the Govern<sup>t</sup> shalbe adjudged just and equall.

Re-enacted in 1658, with the alteration, allowing idle persons to be brought before the magistrate of the town where they live.

#### TOWNES TO MAKE ORDERS.

Towns allowed to make by-laws, provided—  
Re-enacted in 1658, except the last clause.

It is also enacted and conclud by the Court, That all the Towneshipp within this Govern<sup>t</sup> allowed or to be allowed shall have liberty to meeete together and to make such Towne orders as shalbe needfull and requisite for the hearing of Cattell and doing such other thinges as shalbe needfull for the mayntenance of good neighbourhood, and to set penalties upon delinquents, Provided that their orders be not repugnant nor infringe any publicke acts, And that the fines and penalties shalbe disposed of afterwards to their particular Townes, Also that the fynes exceed not the sum of ten shillings for any one syne.

Trade to be continued in the hands of Mr. Bradford and partners.  
Erased.

It is also enacted that the Trade shalbe continued in M<sup>r</sup> Bradford's and his p<sup>n</sup>ers hands during the terme which is till November come twelve months and that M<sup>r</sup> Bradford shall have ye 80<sup>£</sup> waight of beaver given the colony for the first yeares profit for xxxv<sup>£</sup> sterl.

That there be fourty pounds yearly equally levied by the towns within the govment to be allowed the Gov<sup>r</sup> for the tyme beinge towards the defraying of the charge of the place and to be encreased hereafter as need shall require.

Salary of the Governor.  
Erased in the original.

1639. *See page 70*

Acts made and confirmed at the genall court the 3<sup>d</sup> of March 1639.

#### SERVANTS COMINGE OUT OF ENGL.

That no servant comeing out of England or elsewhere and is to serve a master for some tyme be admitted his freedome or to be for himself untill he have served forth his tyme either with his master or some other although he shall buy out his time, except he have beene a house keeper or master of a famly or meete and fitt to bee so.

Servants not allowed to buy their time, unless, &c.  
Re-enacted in 1653.

#### TRADING GUNS AND POWDER &C WITH NATIVES.

That no man shall give, trade, truck or exchange directly or indirectly with the Natives or Indians (other then Englishmens servants) to give or pay him any money Gould or silver for the same upon the penalty to forfeite twenty for one by him or her that shall so doe.

Trade with the Indians prohibited.  
Re-enacted in 1653.

The like penalty also upon any that shall give trade truck or exchange w<sup>th</sup> the natives for any kind of millitary armes as guns of any length, or sort whatsoever or any shott lead bulletts or powder or swords daggers or rapiers or mend or repair any kynd of peece for them or armes to forfeite twenty for one.

No arms, &c., to be sold to the Indians or mended for them.

#### CONSTABLES AND THEIR DEPUTIES.

That the Constables that live remote hence in the further plantacons shalbe freed from attendance at the generall Courts after they are sworne except there be speciall cause and that if the Constable of any towne do goe from hoame he shall depute some other man in his roome untill his returne provided it bee such person as hath borne the same place & for default to forfeit ten shillings.

Constables, who live remote not required to attend court.

May appoint deputies.  
Re-enacted in 1653.

#### PRFANE SWEARING AND CURSING.

That whosoever shall prophanely sweare or curse by the name of God or any of his titles attributes word or workes upon prooffe thereof made by sufficient Testymony or confession of the party he shall

Penalty for profane swearing.  
Re-enacted in 1653.

pay for every such default xii<sup>d</sup> or be set in the stocks so that it exceed not the space of three houers or putt in prison according to the nature and quality of the person.

Twenty pounds granted to the Governor.

Whereas in regard that the Govern<sup>t</sup> hath often fallne upon one and the same person which hath beene very burdensome unto him and an impoverishing of his estate, The Court doth therefore enacte and conclude that the twenty poundes for this yeares benefitt of the trade shalbe payd to the Gov<sup>r</sup> towards his charges in sustayneing the place and that the Townes within the Govern<sup>t</sup> shall add thereunto what every man shall think meete & convenient and pay it to the Treasurer for his use.

Commission to Mr. Bradford and Mr. Winslow renewed.

That the Comission directed to Mr. Bradford & Mr. Winslow for the setting of the bounds betwixt the two patents of Plymouth & Mattachusetts Bay be renewed for six months.

Cohannet called Taunton.

That Cohannet shalbe called Taunton.

Mr. Freeman and two others to determine suits for sums not above three pounds. Repealed.

That two sufficient men one of Yarmouth and another of Barnestable be yearely chosen & nominated against the next Court to be joyned with Mr. Freeman of Sandwich to heare and determine suits and controversies betwixt pty and pty within the towneship not exceeding three pounds.

#### HERRING WEARES.

A weir to be erected at Joanes river.

It is enacted by the Court That a herring ware to take fish shalbe erected at Joanes River, and that such as will put in their stock or money at the first for the erecting of the same shall have an answerable proportion of gaine and if it prove prejudiciall to the generall that then upon payment of the charges to be pulled downe.

Also at other creeks upon the same conditions.

The like liberty upon the like conditions are graunted to erect wears to take fish at Mortons hole Blew fish River Eagles Nest Greens harbour & the Elele River or any other Creeke.

That all controversy about the disposing of lands may cease, three hundred pounds to be granted to the purchasers.

Whereas upon a proposi<sup>ti</sup>on made by the Grand Inquest at the Generall Court held the fift day of March 1638 by what vertue & power the Gov<sup>r</sup> and Assistants do give and dispose of lands either to particular persons or Towneshippes and Plantacons where upon ever since there hath beene a Cessacon of the Graunt of lands to any persons by the Govern<sup>t</sup>. And now upon hearing and debating the controversies matters and differences about & concerning the same in the Publicke Court, And whereas there was a large sume of money disbursed by those that held the trade viz<sup>t</sup>. Mr. Bradford Mr. Prence Capitaine Standish & the rest of their partners for the enlargement of the Patent of New Plymouth in New England, In consideracon

that all controversies & differences about the same may hereafter cease and determine, whether betwixt the purchasers old Commers, freemen or others about the same, The Court hath by mutuale assent & consent of all as well purchasers old comers as freemen enacted & concluded that there shalbe three hundred pounds sterl. or so much as shalbe required not exceeding the said sume of three hundred pounds payd to those that hold the trade vizt. Mr. Bradford Mr. Prence Capt Standish and the rest of the p'ners towards the charges of the enlargement of the said Patent if the same shalbe required out of the personall estais of the said Mr. Bradford Mr. Prence Capt Standish & the rest of the p'ners which said three hundred pounds or lesser sume shalbe levyed upon the plantacons by such equall way as shall be thought meete. And that they Purchasers or old Comers shall make choyce of two or three places for themselves & their heires before the next December Court & that after such choyce made and establised all the residue of the lands not formerly graunted forth either to plantacons or particular persons shalbe assigned & surrendered into the hands of the whole Body of the freemen to be disposed of either by the whole Body, or by such persons as shalbe by the whole Body of freemen assigned and authorized. And that all lands already graunted either to plantacons or particular persons shall stand and remayne firme to them, their heires and assignes forever to whom they are so given and graunted. Provided that all lands shalbe now free to graunt to such persons as stand in neede in the Plantacons now made save that there shalbe no more Plantacons erected untill the Purchasers have made their choyce as aforesaid, And whatsoever shalbe further materiall & requisite in law for the confirmeing & establishing this act and order it shalbe donn by Court-sell to the intents and purposes herein contained and expressed if neede require.

How raised.

The old comers to make choyce of certain lands for themselves, and to surrender the rest to the colony.

It is also enacted by the whole Body of the Court, That the Govr and Assistants shall graunt lands to particular persons within the Townes of Plymouth & Duxborrow as they have donn formly until December next.

The Governor and Assistants to grant land as before in Plymouth and Duxbury.

It is enacted by the Court That the prison shalbe erected at Plymouth.

Prison to be erected at Plymouth.

It is enacted by the Court that the Messenger shall have thirty bushells of Corne for the yeare past and thirty bushells for the yeares coming & to be levyed upon the whole Government.

The messenger to have 30 bushells of corn for his services.

It is also enacted & concluded by the Court That Nathaniel Souther shalbe Clarke of the Court and shall have thirty pounds p. ann. besides his other fees from this tyme forward to be payd him quarterly by the Treasurer levying it upon the whole Collonies.

Nath. Souther elected clerk, and to have a salary of £30 per annum besides his fees.

## TOWNSHIPS POWER.

Towns may levy taxes to defray town charges. Re-enacted in 1658.

Whereas the Townships within this Govern<sup>t</sup> have formerly had liberty to meete together and make some Towne Orders which are thought to be defective for that they conceived they had not power to make assessments rates and taxes for raiseing such necessary expenses as shall be disbursed about the general occations of the Townes concerning the Commonwealth, It is enacted by the Court That every Township shall have liberty to meete together and make levyes rates and taxes for their towne's charges and to distraine such as shall refuse to pay the same upon warrant from the Court or Governor.

The Governor and Assistants to fix the bounds of townships. Re-enacted in 1658.

It is also enacted by the Court, That the Governor and Assistants shall appoint and set forth the bounds of Townshipps as formly they have donn.

1640.

Acts made and confirmed the genall Court 1<sup>st</sup> September, 1640.

## CONSTABLES TO WARNE MEETINGS.

Constables to warn meetings, when the deputies direct. Re-enacted in 1658.

That the Constables of every Towne within the Gov<sup>t</sup> shall warne the Townesmen whereof they are to come together as they doe for other townes businesse, when the Committees shall think it fitt as well to acquaint them with what is propounded or enacted at the Court, as to receive instructiōns for any other businesse they would have donne.

## UNSEASONABLE TAKING OF TOBACCO.

Jurors forbidden to take tobacco while on duty.

That if any person or persons take tobaccoe whilst they are empanelled upon a Jurie to forfeit five shillings for every default except they have given up their verdict, or are not to give yt until the next day or dep<sup>t</sup> the Court by consent.

Inhabitants to train six times each year.

That the inhabitants of every Towne within the Government fitt and able to beare armes be trayned at least six tymes in the yeare.

Persons raising flax or hemp required to dress it. Repealed.

That all such person & persons as have sowed any hempe or flaxe according to the former act of the Court, shall not waste the same but shall dresse the said hemp or flax or procure it to be dressed fitt for some good use and preserve the seed: And the Comittees of the

severall Townes shall see the same so donn the week before the Eleecon Court, and to make report thereof to the Court. Upon penalty of five shillings to be forfeited to the Colonys use for every delinquent therein.

GREEN’S HARBOR PLANTATION.

It is ordered by the Court That Greens Harbor shalbe a Towne-ship and have all the priviledges of a Towneship, that other Townes have, and that it shalbe called by the name of Rexhame ; *but now Marshfield.*

March.  
Made a township under the name of Rexhame, but afterwards of Marshfield.

1641.

At a gen’al Court held the 7th Sept. 1641

It is enacted that the Clarke shall have XX£ p. ann. besides his other fees and that Mr. William Paddy shalbe the treasurer this yeare and shall pay the Clarke his XX£ and give an account of his receipts and payments at the Election Court.

Clerk’s salary.  
Same salary in 1658.

The rates of the townes for publike charges of ye officers				The proportion of charges to be borne by each town.
Plymouth	-	-	-	
Duxburrow	-	-	-	
Scituate	-	-	-	
Sandwich	-	-	-	
Taunton	-	-	-	
Barnestable	-	-	-	
Yarmouth	-	-	-	
Marshfield	-	-	-	
25. 00. 00.				

MYNES.

It is enacted That if any man shall fynd a mine of Gould, silver, leade, tinn, brass, copper or coale that shall prove to be of value or worth, shall have five pounds for his paynes to be payd in this manner, viz<sup>t</sup>. If it be found in a mans particular ground, then he to pay for it, if in the lands of a Towneship then that Towne to pay, and if it be on the Generall Comons, then to be payd by the whole government. And if it happen that he that fynds yt or the towne where it was found shall neglect to worke it by the space of a whole yeare next after it is found, then it shall be lawfull for the government to appoynt any other man to worke it for his owne benefitt.

Five pounds to be paid to the person who shall find a mine.  
Repealed.

Court of Assistants to be held every month.

That the Courts of Assistants are to be kept hereafter every first Tewsday in the month, except at the generall Court and then to be kept the day before.

Dec.  
Towns allowed to bind out poor children, who have no employment.  
Re-enacted in 1653.

It is enacted That those that have releefe from the townes & have children, and doe not ymploy them, That then it shall be lawfull for the Towneship to take order that those children shall be put to worke in fitting ymployment according to their strength and abillities, or placed out by the Townes.

Every township to provide powder, balls, &c.  
Re-enacted in 1653.

That every Towneship in the Govern<sup>t</sup> shall provide a barrell of powder and leade or bullets answerable, to be kept by some trusty man or men in every towne that it may be ready for defence in tyme of neede and danger.

Weights and measures to be uniform.  
Repealed.

That all waights and measures in every towne within the government be made equall by one thereunto especially appoynted And that a bushell a half bushell a peck and a half peck be procured to be made by the Bay standard and that the Grand Jurymen of every Towne do assist Josuah Pratt in making all measures even accordingly and these to be don by thend of March next.

March.  
Seituate to have two constables.  
No tobacco to be used but such as is raised in the colony.  
Repealed March, 1642.

It is enacted That Seituate shall have two Constables yearly.  
It is enacted That no forraine Tobaccoe be bought and sold to be taken in the Govern<sup>t</sup> but such as is planted in the Government after the first of Janurary next. except what is bought & sold to and from forraine places.

Every township to provide arms, &c. at the public meetings on the Lord's day.  
Re-enacted in 1653.

It is enacted That every Towneship within this Government do carry a competent number of pieeces fix<sup>d</sup> and compleate with powder shott and swords every Lord's day to the meetings—one of a house from the first of September to the middle of November, except their be some just & lawfull impedymēt.

1612.

The VI<sup>th</sup> of September 1642.

Each town to provide wolf-traps.

It is enacted by the Court that all the Townes within the Govern<sup>t</sup> shall make wooffe Trapps and bayte them and looke unto them daily upon the penalty of x<sup>s</sup> a trap that shalbe neglected. The number that eich Towne is to make is as followeth. Plymouth five Duxborrow five Seituate foure Sandwich three Taunton two Barnestable three Yarmouth three and Marshfield two.

Mr. Nathaniel Thomas to exercise the men in Marshfield.

That Mr. Nathaniell Thomas shalbe allowed to exercise men in armes for the Towne of Marshfield.



## MILITARY OFFICERS POWER.

It is enacted &c. That those that are appoynted in every Towne to exercise men in Armes shall have power to set a fyne on such as shall absent themselves upon the days appoynted for exercise if there be not sufficient reason given for their absence, provided the fyne be with the consent of the company so exercised or the major part of them, and such fynes to be gathered by the Constable of the place and to be for the benefitt of that Company where such fyne shall happen.

Commanders of military companies authorized to fine absent members, provided—

That the quarter Courts be hereafter held the first Tewsday in June the first Tewsday in September and the first Tuesday in March yearly which shalbe the Eleecōn Court and none to be kept in December as formerly and that every Court shall begin at nine of the clock in the morning and end at foure in the afternoone. And that the monthly Courts be kept every first Teusday in every second month.

Quarterly courts to be held on the first Tuesday in June, September and March.

## MILITARY OFFICERS.

That the Courts doth give power to the Townes to propound two or three persons to the Court to be in any cheefe place above the degree of Serjeants to exercise their men in armes and to present them to the Court and such as are approved by the Court to be established and such Officers to choose their under officers with consent of the Body.

Sept. Towns permitted to nominate persons to exercise their men in arms.

## TRAYNINGE.

That the cheefe military comandars of every Towne have power to call forth men & to exercise men in their armes and to appoynt dayes, and the Serjeants to give warning thereof and to be down as often as the Court hath appoynted.

Military commanders of each town authorized to appoint days for training and to exercise men in arms.

That in tyme of feare and danger or suddaine assault of an enemy the Millitary Comander in every Towne shall have power to call the soldiers of that Towne together and putt them into a posture of warr whose commands every souldier shall obey for the defence of the Towneship and that they follow the directions of the millitary commander of that towne in keeping watch and ward, provided that the ordinary watch be set and appoynted with the Ma<sup>trats</sup> approbacon of that towne if there be any.

Re-enacted in 1633. May call out their soldiers in time of danger. Re-enacted in 1633.

That the millitary company have power together with their cheife comandars to make orders for fining all such as shall not have their armes compleat and shalbe defective in their appearance & exercise

Military companies to make orders for fining such as are not equipped.

of armes, and to make such orders for furnishing the company with such necessities as shalbe needfull for the exercise.

#### HOW SUCH FYNES TO BE LEVIED.

That all such military fines and forfeitures be levied & gathered by the Clark of the Company and constable or one of them and to bee employed to the benefit of that company.

#### SMITHS TO AMEND DEFECTIVE ARMS.

Smiths required to repair defective arms, and take corn for pay.  
Re-enacted in 1658, except that they were to be paid in wheat and butter instead of corn.

That all Smyths within the Government be compelled to amend and repaire all defective armes, brought unto them, speedly and to take Corne for their pay at reasonable rates; and the smyth refusing to answer it at his p'll.

#### RECEIVING PERSONS INTO A TOWNE, WHO ARE LIKE TO BE CHARGABLE.

March.  
If the inhabitant of any town shall bring any person into town likely to become chargable, he shall discharge the town therefrom.  
Re-enacted in 1658.

If hereafter any Inhabitant or Inhabitants of any Towne within this Govern<sup>t</sup> shall receive or bring in any person or persons as is apparently likely to be chargeable to the Towneship against whom just exception is made at the tyme of his comeing or within a month after without the consent & assent of the Townesmen in a lawfull generall publicke towne meeting the partie or parties that so received or brought them shall discharge the Towne of them.

Diseased persons brought from England or elsewhere to be supported by those who bring them.

If any person or persons comeing out of England or els where bring any person or persons who by reason of impotency disease or otherwise is apparently likely to be chargable to the place where hee shall come to inhabite the person or persons so bringing in any such person or persons shall discharge the Towneship of them during the tyme of the diseaseds abode there. But in case any Inh<sup>'ite</sup> within this Colony shall bring over from England or els where or procure to be sent unto them any servant or servants which by Gods Providence shall fall diseased lame or impotent by the way or after they come here, they shalbe mayntayned and provided for by their said masters &c. during the terme of their service & covenants, although their said masters release them out of their said service, & afterwards to be releevd by the Towneship where hee is.

Except, &c.

Re-enacted in 1658.

#### PERSONS FOR NURTURE OR PHYSICKE.

Children, &c. coming from other towns to be nursed or educated, requiring re-

If any children or elder persons shalbe sent or come from one Towne to another to be nursed schooled or otherwise educated or to a Phisician or Chirurgeon to be cured of any disease or wound

&c. yf they come to stand in need of releafe they shalbe releevd and mayntained by the Townships whence they came or were sent from and not by that Township where they are so nursed educated or at cure, and in case they come or be sent from any Towne or place out of this Colony then if the nurse educator physiciō or Chirurgeon take not sufficient security of the person to be nursed educated or cured to discharge the Township of and from all cost and charge which shall or may come and befall the said Township in which hee or they is so to be nursed educated or cured Then they the said nurse educator phisiciō or Chirurgeon as neglects the same shall discharge the said Township of them themselves.

lief, shall receive it of the town from which they come.

If they come from any place not within the Colony, to be supported by their physician, &c. unless—

Re-enacted in 1653.

#### INHABITANT WHO.

That every person that liveth and is quietly settled in any Township and not excepted against within the compasse of three months after his coming, in this case shalbe reputed an Inhabitant of that place.

Every person to be reputed an inhabitant after a residence of three months.

Re-enacted in 1653.

#### PROVISION FOR POORE.

That every Township shall make competent provision for mayntenance of their poore according as they shall fynd most convenyent and sutable for themselves by an order and generall agreement in a publicke Towne meeting. And notwithstanding the p'miss's. That all such person or persons as are now resident and Inhabitants within the said Townes shalbe mayntained and provided for by them.

Every town to make provision for their poor. Re-enacted in 1653, except the last clause.

Memorand, That Jonathan Willis is excepted out of this order that is at Duxborrow for cure, and shall not be mayntayned by Duxborrow but by Sandwich whence he came.

#### ELECCON CORTE IN JUNE.

It is enacted also, That the Eleccon Court of chooseing officers as Govr and Assistants shalbe hereafter every first Tewsday in June because that many are hindred from coming in March by reason of the unseasonableness of the weather ordinarily.

Re-enacted in 1653.

It is enacted by the Court, That all the Milners within this Govern<sup>t</sup> shall provide and keepe weights and scales in their millnes to weigh mens Corne withall.

Millers required to keep weights and scales in their mills. Repealed August 30, 1613.

1643.

LANDS HIRED OR PURCHAS<sup>D</sup> OF INDIANS.

June.  
No person to purchase or hire lands of the Indians without the assent of the court.  
Re-enacted in 1658.

Whereas it is holden very unlawfull and of dangerous consequence and it hath beene the constant custome from our first beginning That no person or persons have or ever did purchase rent or hire any lands herbage wood or tymber of the Natives but by the Majestrates consent, It is therefore enacted by the Court that if any person or persons as hereafter purchase rent or hyre any lands herbage wood or tymber of any of the Natives in any place within this Govern<sup>t</sup> without the consent and assent of this Court every such person or persons shall forfait five pounds for every acree which shalbe so purchased hyred rented and taken and for wood and tymber to pay five times the value thereof to be levyed to the Colonies use.

## TRYALLS BY THE COURT OF ASSISTANTS.

No matter of importance to be tried by the court of Ass. unless a majority be present.

It is also ordered by the Court, That the Court of Assistants shall not try any matters of waight without the major part of the Assistants be present, And also that if there be not foure Assistants with the Governor not to try or end any cause without the consent of the parties.

## GUNS ALLOWED FOR SERVICE.

March.  
What guns allowed for service.  
Re-enacted in 1658.

The guns and peeeces allowed for service are these viz<sup>t</sup>. Musketts fire locks and matchcocks so that they have foure fathome of match at all tymes for every matchcock Caliver Carbines and fouleing peeeces so that they be not above foure foote & a half long and not under bastard muskett or caliver bore.

## RATERS AND RULES THEREOF.

The assessors, how chosen.

That in every Towne there be three or foure men chosen by writing their names in papers as the majestrates are chosen to rate all the Inhabitants of their Towne according to their estates or families, that is according to goods lands improved faculties and personall abillities whether the rate be for any of the townes in particuler or for generall charges, And by ymproved lands are understood meddow land plowed land and howed lands.

Orders to be observed.

The orders herein to be observed are these,  
First, That the Constable shall summon the Townesmen to meete together, & if he neglect when he is thereunto lawfully warned to forsake xx<sup>s</sup>.

2ly. That if the Townesmen do not meete upon the Constables warneing & choose raters the Towne to forfeite five pounds.

3ly. That if the Raters so elected do not make the rate and transcribe and deliver or cause to be delivered a copy thereof to the Constable within tenn dayes next after their eleccion or sooner if the occasion shall require to forfeite tenn shillings a peece for every such default.

4ly. That if the Constable do neglect to gather the said rate or not cause them to be brought in within forty dayes next after he hath the said rate or sooner upon speciall occasion, he shall pay it self & to be recoved by suite &c.

5ly. That the Constable shall have power to distraine upon any that shall neglect to pay his rate being demanded, & bring it to ye place appoynted by him and shall have XII<sup>d</sup> for his distres of every one as shall by such his neglect put him to distrayne.

Lastly, That all fynes and forfeitures which shall happen for breach of any of these acts & orders shalbe levyed for the generall use of the Government.

#### LANDS OF P<sup>T</sup>NERS.

That where lands or tennements fall in joynt partnership either by guift graunt or purchase or otherwise, That if any of the partners do dye before the division thereof shalbe made, That the heires & assignes of such as shall so decease shall not be deprived of the right title and interest into such said lands and tennements but shall have his or their proporcon as duly & equally as any of the survivors or their heires or assignes any act ordinance custome or provision made to the contrary in any wise notwithstanding as fully and amply as if division thereof had been formerly made.

Lands held in joint tenancy to descend to the heirs of the joint tenants.

Re-enacted in 1662.

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1644.

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#### DEPUTE CONSTABLES.

It is enacted by the Court, That if any Constable within the Government have occasion to goe out of the Towneship whereof he is Constable for some tyme he shall have power to procure and depute another in his stead as his deputie to execute his place untill his returne as effectually as he himself might doe.

June.  
Constables may appoint deputies during absence.

MAGISTRATES SUMMONS.

The Gov. or any of the magistrates may issue summonses. Re-enacted in 1658. That it shall be lawfull for the Governor and Majestrates or any of them to direct a summons to any person within the Govern<sup>t</sup> to answer to any suite comenced against them, and it shalbe as authenticall as if it were donn by warrant to attach or arrest them.

WHO REFUSE TO SERVE ON THE GRAND JURY.

Penalty for not serving on the grand jury. That if any man be warned to serve on the Grand Inquest and shall fayle to come and do the service and take the oath of fidellyty if he have not taken it already shall forfeite xx<sup>s</sup> to the Colonies use.

GUNS OF INDIANS.

Penalty for repairing Indians guns. That if any man shall reaire or amend any guns or armes for the Indians he shall forfeite xx for one.

WATCHES.

Aug. At what time watches shall be set. Re-enacted in 1658, and afterwards repealed. It is enacted, That as the watches are set up by order so they shalbe continued untill there be order likewise to lay them downe. And that every watch shalbe set half an hower before the Sunn be set and to continue untill half an hower after the Sunn is risen, except they ward also on the day tyme, and then to continue untill the same tyme they begann that a fresh watch come to releev them. And that for every man that shall neither come himself, nor provide a sufficient watchman in his stead, or lay downe the watch without due order shall pay II<sup>s</sup> VI<sup>d</sup> for every night to the Colonies use and IV<sup>d</sup> an hower for every hower he comes after the watch is sett.

WHO REFUSE THE OATH OF FIDELITY.

All who refuse to take the oath of fidelity to leave the colony. That all those persons in every Towneship within this Government yt have not taken the Oath of fidellyty &c. and do refuse to take it dep<sup>t</sup> the Government.

The jurors to be paid, though the parties agree. Re-enacted in 1653. That if a Jury be empanelled for tryall of causes and the parties agree after, yet they shall pay the Juric.

Fines for not having proper arms. The fynes of such as are defective in their armes. For such as are wholly defective . . . . . X<sup>s</sup>  
that want a peece . . . . . VI<sup>s</sup>  
that want a sword . . . . . II<sup>s</sup> VI<sup>d</sup>  
that want powder . . . . . V<sup>s</sup>  
that want bullets . . . . . II<sup>s</sup>  
that want match . . . . . XII<sup>d</sup>

## ENTERING OF ACTIONS.

That all actions be entered upon the warrants or summons sending forth as soone as may be. Re-enacted in 1658.

## PRESSE HORSES.

That it shalbe lawfull for the Go<sup>r</sup> & Assistants to presse horses for the Countreys service, paying the owners for them or takeing order for their payment. But if he miscarry in the service the price of such horse made good to the owner by the Countrey, and the horse to be prized at his going forth. Governor and Assistants may impress horses. Re-enacted in 1658.

Whereas it was enacted March 7<sup>th</sup> 1642 That a person quietly settled in any Towne within this Govern<sup>t</sup> &c. the space of three months should be reputed an Inhabitant there. It is provided that that act shalbe expounded & construed onely to have relation to poore persons &c. And it is also provided that that act shall not any wayes enable any person to be reputed an Inhabitant in any Towneship within this Govern<sup>t</sup> that shall or doth refuse to take the Oath of fidelty &c. although he hath beene there resident for some tyme. Former act explained.

Acts made att the geñall Court the 3<sup>d</sup> March 1644. 20<sup>o</sup> Coroli R.

## TRESURER GIVE HIS ACCO.

It is enacted that the Treasurer shall at the Eleccion Court give in his accounts of his receipts & payments for his yeare to any that the Court shall appoynt and to be entred upon record and thereupon he to be discharged. Treasurer to render his account at the election court. Re-enacted in 1658.

## GENALL COURT.

It is enacted that the generall Court formerly holden in September shall hereafter be holden the last Teusday in October. General Court to be holden in October.

## A GUARD OF 2 HALBERTS.

It is enacted That there shalbe allowed at the generall charges, a gaurd of two halberts for the safety of the Governors person at the generall Court. A guard allowed the Governor at the General Court.

## DEBTS DUE BY BOOKE HOW TO BE DEMANDED.

Whereas many inconveniences losses and great controversies have and do daily happen by reason of pretended debts some tymes just and sometymes satisfied the charge remayneing still uncanceled some tymes upon bookes sometimes by papers whereas in truth there

To be demanded  
within one year.

is little or nothing really due or remayncing, but through long neglect of demand, and sometymes slow payment made, much contention doth arise betwixt party and party. It is therefore enacted by the Court, That if any man which either formerly hath dwelt or now doth dwell within this Govern<sup>t</sup> have any debts now oweing upon booke or by papers or such like scroules and are not demanded within the space of six months next after the first day of November next such bookes papers or scroules shalbe no evidence upon tryall or recovery of them. And for tyme to come a booke paper or scroole shalbe evidence for the space of one ycare after the makeing of the debt therein specified or written and no longer, except the same be otherwise proved, but for such as go long voyages to Sea to be allowed two yeares.

Two yeares al-  
lowed to those  
who go long  
veyages.

#### SURVEYORS OF HIGHWAIES.

To give three  
days' warning.

That the surveyors of the heigh wayes shall give three days warneing to the Teames and other particular persons when they are to amend the heigh wayes as often as need shall require provided that they warne not one teame nor one person twice before they have gone over all the teames and persons in their towneship. And he that shall refuse to come being so warned shalbe brought to the Court to answere his contempt. And that every Surveyor that shall neglect his duty in repaireing the heigh wayes shall forfeite X<sup>s</sup> to the Colonies use.

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1645.

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Acts made the fourth of June 1645.

Messenger to be  
called Marshal.

That the Messenger henceforth be styled or called by the name of Marshall.

Seacunc called  
Rehoboth.

That Seacunc be called Rehoboath.

Goods taken on  
execution to be  
delivered to the  
plaintiff, &c.  
Repealed.

It is enacted that if any goods or cattell be taken upon execucon the Officer shall deliver them to the plaintiffe and if they bee above the value of the debt the plaintiff shall render the overplus to the defendent within six dayes next after they are so taken in Countrey pay, but if the defendent can either himself or procure any other to pay the debt otherwise or will give more for such goods so taken in execucon then they are valued at. It shalbe lawfull for the defend<sup>t</sup> to make his best of them so it be within the said six dayes next after they are so taken.



## EXECUTION GRANTED WHEN.

It is enacted that an execution shalbe made forth at the end of one month after the verdict and judgment is graunted and not before (except the p<sup>y</sup> be dep<sup>t</sup>ing the gov<sup>r</sup>ment.) and that the Marshall when hee goeth to serve the execu<sup>ti</sup>on shall take one w<sup>th</sup> him chosen by the plaintiff to appraise the goods or cattles so taken, but if either the plaintiff or defendant do neglect or refuse to make such a choyce, then the Marshall shall choose two himself and as they or any two of them shall prise them, they shalbe forthwith delivered to the plaintiff, and if they come to more than the debt and charges shall amount unto then the plaintiff shall pay the overplus to the defendant in Countrey pay w<sup>th</sup>in three days next after hee receiveth the said goods at the plaintiffs own house so that his house be not out of the gov<sup>r</sup>ment. But if his house or dwelling bee out of the gov<sup>r</sup>ment then at the Marshall's house or where w<sup>th</sup> most convenyency the Marshall shall appoynt.\*

Execution to be granted in one month after verdict, except—

The appraisers, how chosen.

The overplus to be paid to defendant within three days.

## EXECUTION SERVED P. MARSHALL.

That all execucons yssuing out of the generall Courts or from ye Courts of Assistants shalbe executed by the Marshall onely.

Executions to be served by the Marshall. Re-enacted in 1658.

## EXECUTIONS UPON APPEALE.

It is enacted that in case of appeale from one Court to another that upon the second verdict order or decree execucon shalbe presently made forth and the Marshall shall forthwith be sent to execute it. And if the Marshall desire it and the Court or Gov<sup>r</sup> judge it meete a warrant shalbe directed from the Gov<sup>r</sup> to two or three or more for the aydeing and assisting of the Marshall in the execu<sup>ti</sup>on thereof, and such persons so sent with him to be paid by the defendant with the rest of the charges of the said suite.

Execution to issue forthwith upon judgment on an appeal.

Aid to be given if necessary to the Marshall.

## CARNALL COPULATION.

It is enacted &c. That every person or persons which shall commit Carnall Copulacon before or without lawfull contract shalbe punished either with corporall punishment by whipping or els pay tenn pounds a peece fine and be ymprisoned during the pleasure of the Court so it be not above three dayes, but if they be or wilbe married one to another then but tenn pounds both and ymprisonment as aforesaid. And by a lawfull contract the Court understands the

Fornicators to be punished, &c. Re-enacted in 1658.

\* This act was the same in 1658, with the exception that six days were allowed the Marshall to return the overplus when the plaintiff resided within the government, but when he did not so reside, he was required to return it forthwith, or give security to return it in six days.

mutuall consent of two parties with the consent of parents or gaurdians if there be any to be had and a solemne promise of marriage in due tyme to eich other before two competent witnesses. And if any person or persons shall comitt carnall copulaçon after contract and before marriage shall both pay five pounds and be both ymprisoned during the pleasure of the Court so it be not above three dayes, or els in case they cannot or will not pay the fyne then to suffer corporall punishment by whipping.

## NUNCUPATIVE TESTAMTS.

Nuncupative wills good when made before two or more freeholders of the place where the testator lives.  
Re-enacted in 1653.

It is enacted that if any man being sick and weake or otherwise but of disposing memory do declare his mynd and will concerning the disposing or bequeathing his lands before two or more of the freeholders of the place where hee lives, it shalbe upon their oathes recorded and remayne firme according to such devise & bequest.

The bushell adopted by the United Colonies to be used.  
Repealed, July, 1646.

Whereas the last session of this Court it was fully agreed That that bushell agreed upon by the United Colonies should be allowed and no other. Whosoever therefore after the twentieth day of November next ensuing shall buy or sell receive pay or deliver by any other than the said measure of the United Colonys both buyer and seller shall pay XII<sup>d</sup> a peece for every such bushell so bought and sold received and delivered to the Colonies use as soone as he or they shalbe thereof convicted. And the Smyth to make a seale of two Roman letters namely N. E. to seale the measures besides the P.

Bargains for corn heretofore made, to be according to the old measure.

That all former bargaines made for Corne due before this day shalbe payd by the old measure, except they have otherwise contracted.

## UNJUST WTS AND MEASURES.

Penalty for selling by unscaled weights and measures.

That all ordinary dealers that shall sell by unscaled waights and measures which are not weight & measure by the standard shall loose such weights and measures and make restitution to the parties wronged by such want of waight & measure and shall pay to the colonies use for every such default or false weight & measure for the first tyme 6<sup>s</sup> 8<sup>d</sup> and for the second time 13<sup>s</sup> 4<sup>d</sup> and for the third tyme 20<sup>s</sup> and for such waights and measures to be burnt. And that all other waights & measures of other men shalbe answerable to the standard and a pyle of waights of Mrs Atwood and her scales shalbe the standard. And for sealeing 1<sup>d</sup> for every weight under a quarter of a pound and for all above a quarter to 6<sup>lb</sup> II<sup>d</sup> a peece and for all above 6<sup>lb</sup> to a hundred weight 4<sup>d</sup>.

## MILLER'S TOLL DISHES.

That every Miller have two toul dishes viz<sup>t</sup> a quart and a pottle, but to be so made that upheaped they will hold no more than a quart and a pottle by the new measure allowed and those be sealed by the twentyeth day of the next month or els to pay x<sup>s</sup> p. month so long as hee or they keepe them unsealed after.

Every miller to have two toll dishes, &c.  
Re-enacted in 1658.

## BREAKINGE FENCES OR YATS.

That every person or persons that shall wilfully and of set purpose breake downe another mans fence or yate or any comon yate or bridge to the annoyance either of a particular person or the generall shall make up such said fence yate or bridge at his owne charge and pay the damage thereby sustayned and be fyned for the first default fifty shillings and for the second default be fyned 5<sup>£</sup> and bound to his good behavior.

Penalty for breaking fences or gates.  
Re-enacted in 1658.

## REMOVINGE OR DEFACINGE LAND MARKS.

That every person or persons that shall wilfully pluck up remoove or deface any land mark or bound betwixt party and party that have beene or shalbe orderly and sufficiently set up by persons thereunto designed shalbe fyned from 20<sup>s</sup> to five pounds according to the nature of the offence.

Penalty for removing land marks.  
Re-enacted in 1658.

## BURNINGE FENCES.

That every person or persons that shall wilfully and of set purpose burne any mans fence or fences shall make good the damage and bee bound to his good behavior.

Penalty for burning fences.

## PURLOYNING MR'S GOODS.

That whatsoever servant or apprentice or labourer that shall purloine or steale or ymbessell his masters goods shall make double restitution either by payment or servitude as the Court shall judge meete for the first default, and for the second default of the labourer to make double restitution, and either fynde sureties for his good behavior or be whipt.

Servants purloining master's goods, how punished.  
Re-enacted in 1658.

## WEARINGE VISORS.

Whereas some abuses have formerly broken out amongst us by disguising wearing visors and strange apparell to lascivious ends and purposes. It is therefore enacted That if any person or persons shall hereafter use any such disguisements visors strange apparell or the like to such lascivious and evill ends and intents and be thereof

Penalty for wearing visors.  
Re-enacted in 1658.

convict by due course of law shall pay fifty shillings for the first offence or els be publickely whipt, and for the second tyme five pounds or be publickely whipt and be bound to the behaviour if the Bench shall see cause.

#### FORGING DEEDS.

Penalty for forging deeds.  
Re-enacted in 1658.

It is enacted by the Court That whosoever shall forge any deed or writing whereby any estate of lands either of Inheritance or for terme of yeares shalbe passed and the right heires disinhereted and shall produce or publish the same to such deceitfull end and purpose and be thereof convict by due course of law shall pay the partie greeved double damage and be fyned half so much as the party greeved recovers of him, and in case he be not able to pay it then to be publickely whipt and burned in the face with a Romane F.

#### STEALING OR DEFACING PUBLIC RECORDS.

An officer or keeper of the public records, who steals or defaces them, to be disfranchised.  
Re-enacted in 1658.

That if any officer or keeper of Publicke Records or writings shall willfully steale imbezell deface or make away any such publicke record or writing so committed to publicke record and keeping or alter any of them or any part of them by raceing out or adding thereto or otherwise shalbe disfranchised loose his office and burnt in the face except in triviall cases.

#### CORRUPTINGE PUBLIC OFFICERS OF RECORDS.

Penalty for corruptly attempting to induce a public officer to deface records.  
Re-enacted in 1658.

That if any person or persons shall endeavour or goe about directly or indirectly to corrupt any Officer keepinge any publike Records or writings to procure him to deface corrupt alter race or ymbezell any such publicke record or writing shalbe fyned according to the nature of the offence so it bee not above fourty pounds or be whipt.

#### STOPPING BY NETTS SANDWICH RIVER.

Nets not to be set in Sandwich river.

Whereas notwithstanding the free liberty graunted for fishing and fowleing It manestly appearing that the Towne of Sandwich hath received prejudice by stopping of the passage of the heareing or alwives to their ware by setting of netts to take Basse by private persons to the generall prejudice of the whole Towne, It is therefore enacted by the Court That if any person or persons shall presume to sett any netts in the said River to stopp the passage of the said heareings or Alewives or hinder their comeing up to the said ware during their season which is from the middle of Aprill to the last of May shall forfeite tenn pounds as often as hee or they shall so doe to the Colonies use.

## MILITARY OFFICERS TO SEE THE ARMS.

It is enacted That the millitary Officers in every Towne shall see that the Armes of that Towne be fix & compleat and such as are allowed for length & bore, and to present such as are defective.

March.  
The military officers of each town required to see to the arms.

1646.

WHEN MR<sup>TS</sup> AND COMITTEES TO MEETE AT COURTE.

It is enacted by the Court, That the Ma<sup>tr</sup>ates and committees do constantly meete in Court during the Court tyme at the hower of seaven of the clock in the morneing in the summer tyme and at eight in the winter upon the penalty of VI<sup>d</sup> for every default made by any and so continue untill eleven and then to rise to dinner and after dinner to returne againe and to continue untill a convenient hower in the evening as the Governour shall think meete, and for every hower any of them shalbe absent after they are called to pay VI<sup>d</sup> pr hower except there be such sufficient reason shewed for their absence that the Court doth allow of. Provided that the first day of the Court nine of the clock shalbe the hower to meete at in the morneing.

The magistrates and committees to meet at seven o'clock in the summer and at eight in the winter.

## BUSHELL.

It is enacted by the Court, The the Bay new bushell shall not be used to buy or sell by nor any measures made thereby and that the old Iron bound bushell is established to be the measure and standard for all the Townes within this Government and that all measure used within this Government shalbe made thereby and if any person or persons do use any other either to buy or sell by they shall pay XII<sup>d</sup> a peece to the Colonies use.

The use of the Bay new bushel forbidden, and all other measures not authorized by the colony. Erased in the original.

ORDINARY KEEPER<sup>S</sup> AND RETAYLERS OF WINE WHO AND THEIR RULES

It is enacted by the Court, That none do keepe victualling or an ordinary or draw wyne by retayle within this Government but such as are allowed by the Generall Court, And that if any victualler or ordinary keeper do either drink drunck himself or suffer any person to be druncken in his house they shall pay five shillings a peece, And if the victualler or ordinary keeper do suffer any Townsmen to stay drinking in his house above an hour at one tyme the victualler

None allowed to be victuallers without leave of the court.

Penalty for allowing any to become drunk.

Definition of  
drunkenness.

ordinary keeper shall pay for every such default XII<sup>d</sup> and the person so staying above the said hower III<sup>s</sup> IIII<sup>d</sup>, And by drunkennesse is understood a person that either lisp or faulters in his speech by reason of over much drink, or that staggers in his going or that vomitts by reason of excessive drinking, or cannot follow his calling. The person or persons that shall be found guilty in these or any of them shall for the first default pay five shillings and for the second default tenn shillings to the Colonies use, and for the third tyme he shalbe found faulty to be bound to the good behaviour. And if he or they cannot or will not pay the fine or fines then to be sett in the stocks, &c.

#### MILITARY OFFICERS HOW CHOSEN.

Towns to present  
to the court suit-  
able persons for  
military officers.  
Re-enacted in  
1658.

It is enacted by the Court, That in case any cheefe Military Officer as Captaine Leeftennant or Ensigne be wanting in any Towne within this Government such Township shall present two or three persons of the fittest they have for that place to the Court and such person or persons as shall be approved of by the Court shalbe established in such place and office, And such cheefe officer to choose their under officers with consent of the Body.

Not to resign  
without the con-  
sent of the court.  
Re-enacted in  
1658.

It is enacted by the Court, That as the Captaine Leiftenant & Ensigne of a Company are established into their places by the authority and approbation of the Court so such Captaine Leiftenant and Ensigne shall not lay downe their places but by the consent and approbacon of the Court upon the penalty of five pounds for every Captaine, fifty shillings for every Leiftenant and fifty shillings for every Ensigne so laying downe his place without the leave and liking of the Court. And if any Captaine Leeftenn<sup>t</sup> or Ensigne shall neglect to trayne their men on the dayes appoynted or shalbe negligent in his or their places upon prooffe thereof made, shalbe fyned x<sup>s</sup> for every such default.

#### PUBLICK ARMS.

Towns to furnish  
arms.]  
Re-enacted in  
1658.

It is enacted by the Court, That every Township within this Government before the next October Court eich Towneship shall provide two sufficient snaphaumes or firelock peeeces two swords and two pouches for every thirty men they have in their Towneship and so proportionably for their number they are to set forth be the greater or lesser which shalbe ready at all tymes for service, upon any occation upon such penalty for every delinquent as the Court shall judg meete according to the nature of the offence.

## EXCISE.

Forasmuch as there are certain common charges to be disbursed <sup>Excise on wines, &c.</sup> constantly yeare by yeare, and forasmuch also as the Countrey is unwilling to defray the same by way of rate but rather by way of excises upon wines tobacco &c., It is enacted by the authority of the generall Court, That these excises shalbe imposed to be payd by all that are lycensed to retayle wines strong water and y<sup>t</sup> sell Tobaccoe as followeth viz<sup>t</sup> upon every gallon of Spanish wine eight pence, every gallon of french wyne four pence, every gallon of strong water eighteen pence and every pound of Tobaccoe one penny *and for every share of fish by strangers having liberty to fish at the Cape five shillings.* And that in every Towneship within the Government the Receiver of the Excise nominated and authorised by the Court shall receive the same, And that every Retayler of excised goods do repaire to the Receiver before hee or they shall retayle any such excised goods and make known the quantity of them and make payment of the said excise upon them unto the said Receiver four dayes in the yeer yearly viz<sup>t</sup> the first day of August the first day of November the first day of February and the first day of May and for strangers presently out of which the Receiver shall have twelve pence in the pound for gathering and receiving the same besides charges of transporta<sup>n</sup> defrayed. And if any person retayling any such excised Goods shall neglect or refuse to acquaint the Receiver of the said Excise therewith and not pay the same at the dayes appoynted shall pay treble excise for them. And it shalbe lawfull for every Receiver of the said Excise in every Township to goe into any Retaylers seller boate or elsewhere into any house to take notice of such goods and the quantity of them as are to be excised, and the said Receiver of the Excise shall make payment thereof yearly to <sup>When to be paid.</sup> the Treasurer for the tyme being at two dayes in the yeare that is to say the first day of November and the first day of May, and in default of the Receiver either in not receiving or not paying it to the Treasurer at the dayes appoynted to pay three for one. And in default or neglect of payment either in the Receiver or Retayler such sume or sumes as are growne due with their severall penalties to be levied and taken by warrant from the Governor or some one of the Assistants.

## TOWN CLERK.

It is enacted by the Court That there shalbe in every Towne within this Government a Clark or some one appoynted and ordained to keep a Register of the day and yeare of the marriage byrth and buriall of every man weoman and child within their Township. <sup>A clerk to be chosen for each town. Re-enacted in 1653.</sup>

## THE WIVES CONSENT TO THE SALE OF HOUSE OR LANDS.

Any of the Assistants may take acknowledgment of sales of land.

The wife to consent to sales hereafter made. Re-enacted in 1658.

It is enacted &c. That the Assistants or any of them shall have full power to take the acknowledgement of a bargain and sale of houses and lands so that they keepe a book thereof and cause them to be recorded with all convenient speed. And that the wyfe hereafter come in & consent and acknowledg the sale also ; but that all bargaines and sales of houses and lands made before this day to remaine firm to the buyer notwithstanding the wife did not acknowledge the same.

## PRISONERS ALLOWANCE.

Two pence per day allowed for the maintenance of a prisoner. Three pence allowed in 1658, and four in 1660.

It is enacted &c. That the Colonies within this Government shall allow II<sup>d</sup> p. day to mayntaine a prisoner committed for felony or misdemeanors, if they be not able to mayntaine themselves, and to be payd by the Treasurer, and allowed upon his accounts.

## MARSHALLS FEE.

It is enacted &c. That the Marshall shall have two shillings in the pound for gathering of fynes &c. if they be not brought in by the parties themselves.

At a generall Corte by the last session of the Eleccion Corte holden 20th October 1646.

Whoever sells a less quantity of wine than 10 gallons to be esteemed a retailer.

It is enacted & by the Corte ordered that whosoever shall draw out and sell a lesser quantity or Caske of wine than 10 gallons to any shall be accounted a retaylor.

Fine for retailing without licence.

That whosoever retails beere or wine or strong water & not licensed by order of Courte shalbe fined & pay for the first default, double the value of what is so sould and retayled.

## REGISTER OF BIRTHS, BURIALLS &amp; MARRIAGES.

A clerk to be appointed in every town to register births, marriages and deaths.

It is enacted by the Court That there shalbe in every Towne within this Government a Cleark or some one appoynted and ordayned to keepe a register of the day & yeare of the marriage, birth and buriall of every man woeman and child within their townshippe & to have 3<sup>d</sup> pence a peece for each particular person so registred, & further it is enacted, that every father, or mother, or next in relation shall certify to the Towne cleark or register keeper, the name and day of the birth of every child soe borne in his house within one moneth next after it is borne, or be fined for every such default three shillings, the one halfe moiety thereof to the Governoure, the other

Parents to certify the birth of every child to the clerk.



half moiety thereof unto the said clearke, or register keeper upon his compl<sup>t</sup>. And that every person married shall signify his & her name with the day upon which they were married unto the said cl<sup>r</sup> or register keeper within one moneth next after the day of his said marriage upon the like penalty of 3<sup>s</sup>, the one moiety thereof unto the Governours use, & the other thereof unto the said cl<sup>r</sup> or register keeper upon his complainte. And alsoe that every master or m<sup>rs</sup> of the family in which any person dies or person next in relation to any person soe dead shall give notice unto the said Clearke or register keeper the name of the person & day of the said buriall, sub pena 3<sup>s</sup> the one halfe or moiety to the Governours use, the other to the clearke or register keeper upon his complaint. And the clearke, or register keeper of each Towneshippe shall exhibite a true & perfect Copy fairely written annually at March Courte unto the said Courte of all the birthes marriages and burialls of the yeare past. And lastly that the clearke or register keeper in every Towneshipp shall publish all contracts of marriages, & shall have XII<sup>d</sup> as his fee for every marriage as he publisheth orderly.

Altered in 1653, so that one moiety of the fines went to the colony instead of the Governor; in other respects it was the same at that time.

#### ABUSIVE TAKINGE TOBACCO.

Whereas there is greate abuse in takinge of Tobacco in very uncivill manner in the streetes & dangerously in out-houses, as barnes, stalls about hay stackes, Corne stacks & other such places, it is therefore enacted by this Courte, that if any person or persons shall be founde or seene hereafter takinge tobacco publickly in the open streets of any Towne, (unles it be souldiers in the time of their trayninge) or in & aboutes barnes, stoules, hay stackes, Corne stacks hay yeards or other such places or outhouses, that every such person or persons so offendinge shall forfeiet & pay to the Townes use, for the first default xii<sup>d</sup>, for the second ii<sup>s</sup>, & soe for every such default afterwards ii<sup>s</sup>, & it shalbe lawfull & by this act warrantable for the Constable of every towneship without further warrant, upon sight or information thereof to distraine his or their goods for it as doe refuse to pay it upon his demand & to be accomptable to the Treasurer of what he receives yearly at the Eleccion Corte.

Taking tobacco in the streets, &c. how punished.

The constable may distrain. Re-enacted in 1653.

#### MARSHALLS YEARLY WAGES.

It is enacted that the Marshall shall have henceforth annually three-score bushells of Indian Corne or the full value of it in other Corne (besides his ordinary fees allowed) p<sup>d</sup>. unto him for his wages proportionally to be p<sup>d</sup>. out of the severall towneships by way of rate.

The Marshal to have three score bushells of corn beside his fees.

## REPROACHERS OF MARSHALL.

Penalty for reproaching the Marshal.  
Re-enacted in 1658.

It is enacted that if any person shall henceforth cast to contempt reproach on the Marshall or any of his by reason off and concerning his office shalbe fined for every such default to the Governments use X<sup>s</sup>.

## RECEIVERS OF THE EXCISE REPROACHED.

Ten shillings fine for reproaching the receivers of the excise.

And if any person or persons shall henceforth cast contempt or reproach on any receiver of the excise by reason of & concerninge his said office shalbe fined for every such default to the Govern<sup>ts</sup> use X<sup>s</sup>.

FREEMEN TO APP<sup>R</sup> AT THE GEN<sup>'</sup>ALL COURTE IN JUNE & 2 DEPUTIES.

The freemen to attend the June Court and make laws.

Whereas the Townes formerly were to send their deputies (which must arise out of their freemen) to attend the 3 Generall Courts of the yeare for our Sovereigne Lord the Kinge, now upon the speciall complainte of the deputies of the Townes soe sent professinge them to be oppressed thereby, It is ordered & enacted that the whole body of freemen appeare at the Election Courte which is the first Tuesday in June successively, & there to make or repeale such lawes orders & ordinances as shalbe founde meete & wholesome for the orderinge of the government & that then alsoe they present such deputies as have bene chosen by their townes accordinge to order formerly established who are to attend the same, & its severall adjournments as the occasions of the Country shall require, & that whatsoever lawes orders & ordinances shalbe made or repealed be at that Courte & the severall adjournments thereof onely done & the other Courts to attend onely matters of Judicature & the magistrates onely to attend the same.

No laws to be made at any other Court.  
Re-enacted in 1658.

## TOWNES NEGLECT TO CHUSE COMITTEES.

Penalty for neglecting to choose committees.  
Re-enacted in 1658.

It is enacted that if any Towneshipp beinge orderly thereto required shall neglect or refuse to elect and chuse comittees according to the two former orders, the towne so neglectinge or refusinge to be fined to the govern<sup>ts</sup> use 40<sup>s</sup> & every comittee soe chosen and makes not his personall appearance in the Courte at the day appointed there to doe his service, he fyned 20<sup>s</sup> unles he can shew a reason approved by the Courte.

GRANDJURYMEN TO VIEW W<sup>T</sup>S & MEASURES.

Weights and measures to be viewed once in each year.

It is ordered that the grand jurymen in every Towneshipp once

in the yeare annually doe view all the measures, weights and tolls dishes in their severall townships, & see that they be lawfull according to order, & that every householder have ladders sufficient according to order & present the defects.

Re-enacted in  
1658.

#### NEEDLESSE FIRING WOODS.

Also that if any person at any time shall fire any the woods, and hath no just occasion so to doe he shalbe fined to the govern<sup>ts</sup> use x<sup>s</sup> or be whipt.

Penalty for need-  
lessly setting fire  
to woods.  
Re-enacted in  
1658.

#### SELLING WINE OR STRONG WATER TO INDIANS.

It is enacted that noe person whatsoever shall henceforth sell wine or stronge water to any Indian, unless in case of sicknesse or faintnes and then onely with the foreknowledge & and consent of a magistrate if there be any in the township, or in defect of him with the foreknowledge and cousent of the comittees or grandjurymen of the said township, & but for a smale quantity, and for every defaulte to pay x<sup>s</sup> to the Colonies use.

No wine, &c., to  
be sold to an In-  
dian without con-  
sent of a magis-  
trate.  
Re-enacted in  
1658.

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1647.

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#### REHOBETHS LIBERTY.

It is enacted that the towne of Rehoboth shall have liberty yearly to make choice of 2 freemen of their inhabitants to be assistants to the magistrates then in beinge for the examiniuge & tryinge of all matters in difference betweene party & party by a jury of 12 men not exceeding the valie & some of 10<sup>l</sup> reservinge liberty to any party after tryall to appeale to the Generall Courte at Plimouth, provided that the appeale be made the same day the verdict is brought in, & and he that shall appeall doe give security that if he be cast in the Courte at Plimouth then he shall pay double damages.

June.  
Rehoboth to  
choose two free-  
men annually to  
aid the magistrate  
in the trial of  
causes.

An appeal allow-  
ed.

And further for the avoydinge of travaile & chardge the freemen of Rehoboth shall for the election of magistrates send their votes by proxies provided their votes be orderly taken in the Towne meetinge & then ymedietely sealed up & delivered to the Committees or grandjurymen who shalbe sent to attend the affaires of the generall Courte & delivered in Courte by them, unlesse upon other weighty occasions, their presence be required by special warrant.

Freemen may  
vote by proxy  
in the election of  
magistrates.

1648.

June.  
Nausett to pay  
40s taxes.

The Court have ordered y<sup>t</sup> Nausset pay by rate fourty shillings for the last year : and fourty for this present year : and so annually fourty shillings.

Other towns to  
pay the same tax  
as the preceeding  
year.  
What is under-  
stood by retailing  
tobacco. ¶

And further y<sup>t</sup> the severall Townships are to pay their rates according to the same proporcon they did the last year.

That by retaile of tobacco is to be ment all y<sup>t</sup> sell it by retaile whether in roule or any otherwise y<sup>t</sup> onely exsepted which men raise by planting at home.

1649.

June. ¶  
Officers to con-  
tinue in office  
one year after the  
expiration of their  
original term of  
service unless—

The whole body of freemen of the Colony of Plymouth aforesaid or the maine part of them being mete together it was unanimously concluded that whereas things are much unseteled in our native cuntry in regard of the affairs of the State, wherby the Court cannot so clearly prosseede in election as formerly, all officers wether magestrats or inferior officers shall continue in their places with as full power and authority as they had the yeare last past for the space of a full yeare for the yeare folowing unles some speciall intellegent or order com over w<sup>ch</sup> shall at any time within the year aforesaid ocaation the calling the body of freemen together for a new election.

Oct.  
No lands to be  
granted to stran-  
gers till the  
bounds between  
the colony and  
Connecticut are  
settled.

It is ordered y<sup>t</sup> no Lands bee graunted to any strangers untel the bounds bee knowne betwixt Kanetaquet & us according to order of Parlement.

Scituate ordered  
to make a rate  
for public char-  
ges.

That whereas complaint is made by the Comittees of Scittuaat for y<sup>t</sup> their charges are not borne according to order of Court ; the Court have therefore ordered y<sup>t</sup> a warrant be directed to the Cunstables of Scittuaat aforsaid to summon the said Towne together to make a rate for publick charges wherein is to bee mentioned the charges of the said deputies to be required by rate according to the aforesaid order and y<sup>t</sup> severall warrants be directed in like manor to eich Towne within this Government respectively.

The Gov. defers  
the question of  
the adjournment  
and dissolution of  
the general court  
till the next elec-  
tion. ¶

Concerning the propositions made by the deputies assembled about the maior part of the Court to order the adjornments and desolution of the generall Courts and the making & repealing of lawes ; The

Governour thinks it not meet thay be put to vote untell the next Court Election.

That Plymouth have but two deputies as other Townes.

Plymouth to have two deputies only. Repealed.

That any such as are presented by any Towne unto any Majestrate within this Government to bee Surveyors or Measurers of Land & such as are appointed to try & seale measures & all Towne Clarkes shall have an oath administred unto them by the said Majestrate.

Oath, to be administered to town officers. Re-enacted in 1653.

That at Courts of Election next after the choise & swearing of Majestraits and other officers the generall ocations of the cuntry wherein Comitties are requisite bee attended except extreordinary ocation com in the way.

At the courts of election, the business requiring the attendance of the committees to be first attended to. Re-enacted in 1653.

That if any bee orderly warned to work at the hiewayes & shall neglect shall be fined for his said neglect 3<sup>s</sup> per day & for every teame so warned y<sup>t</sup> shall neglect eight shillings per day & y<sup>t</sup> the Surveyors of such Townes wherein such neglect is shall returne theire names to the next Majestrate y<sup>t</sup> by warrant the said fines may bee required by the Cunstable of the said Towne for the Townes use; and if it so fale out y<sup>t</sup> in the yeare all the teames & persons in the same Towne have not been warned unto the work aforesaid y<sup>t</sup> thay bee all warned over before thay begin againe.

Penalty for neglecting to work at the highway.

1650.

Att the Generall Court of freemen holden the fife of June 1650.

Whereas complaint is justly made y<sup>t</sup> due course is not provided or att least performed and executed for the defraying of such necessary charges as are expended by the Magestraites of the Government in attending att Courts and uppon other publick ocations for the adminestration of Justice.

It is therefore Ordered by the Generall Court assembled, That forthwith due care bee had y<sup>t</sup> the order extant concerning the excise bee duely executed, and that fit persons bee appointed to receive it and in case of neglect of none payment That then forthwith uppon such neglect warrants be required and graunted out to distraine uppon the goods of such persons as doe neglect to pay it, and y<sup>t</sup> it bee paid in good and merchantable pay such as may conduce to the ends aforesaid.

Fit persons to be appointed to collect the excise, with authority to distrain the goods of such as neglect to pay.

Whereas a comittie was chosen by the Court viz. Mr. Tho. Prence Mr. William Collyare Mr. Tho. Dimacke Mr. James Cud-

The magistrates and deputies to

be considered as one body in the making of laws, &c., as heretofore. Re-enacted in 1658.

worth Mr. Josiah Winslowe John Dunham seni. Gorg Soule and Constant Southworth to consider of the proposition propounded by the Committees at the last October Court concerning the Major p<sup>t</sup> of the Court to order the ajournments and disolutions of the Generall Courts and the making and repealling of lawes they the said Committees declared theire minds to bee That things in respect of the aforesaid perticular doe rest unaltered as they are.

And y<sup>t</sup> for the future as formerly in the making and repealing of lawes and ajornment of Courts wherin Committees are requeste, the magestraites and comitees or Deputies be considered together as one body.

Att the 2<sup>cond</sup> session of the generall Court holden at New Plym. the 10<sup>th</sup> of June 1650.

None to establish a new church or continue an old one without the consent of the Government. Repealed.

It was ordered That forasmuch as there are risen up amongst us many scandalus practices which are likely to prove destructive to our churches and common peace; That whosoever shall heerfter set up any churches or publicke meetings diverse from those allreddy set up and approved, without the consent and approbacon of the government or shall continew any otherwise set up without concent as aforesaid shalbe suspended from having any voyce in towne meetings and presented to the next generall Court to receive such punishment as the Court shall think meet to inflict.

#### VILLIFYING MINISTRY.

How punished. Re-enacted in 1658.

Further bee it enacted by the authoritie aforesaid, That whosoever shall villifie by approbrius tearmes or speeches any church or ministry or ordinance being heerof lawfully convicted shall forfeite and pay to the use of the Colonie ten shillings for every default.

#### PROPHANACON THE LORDS DAY.

Penalty for profaning the Lord's day. Re-enacted in 1658.

Further bee it enacted that whosoever shall prophane the Lords day by doeing any servill worke or any such like abusses shall forfeite for every such default tenn shillings or be whipte.

#### WARRANTS AT JUNE COURT.

The fifth day of the week to be for the trial of actions.

It is ordered That at June Courts all warrants bee directed to warn persons on the fift day of the weeke to appear for trial of actions.

The former order about wampampeage repealed.

The Court have by joynt concent repealed the Court order formerly made enjoyning wampampeage to go at six a penny.

1651.

Att the generall Court holden at New Plym. for the Jurisdiction of New Plym. the sixt of June 1651.

NOT FREQUENTING PUBLIC WORSHIP AND ERECTING OTHER MEETINGS.

It is ordered That whatsoever person or persons shall neglect the frequenting the publick worship of God that is according to God in the places wher they live or doe assemble themselves upon any pretence whatsoever in any way contrary to God and the allowance of the Government tending to the subversion of Religion and churches or palpable prophanacon of Gods holy ordinances being duely convicted; videlece every one that is a master or dame of a family or any other person at theire owne desposing to pay ten shillings for every such default.

Penalty for neglecting public worship, or assembling at a place not ordained. Re-enacted in 1653, but repealed in 1659.

It is ordered That if any in any lazye slothfull or prophane way doth neglect to come to the publick worshipp of God shall forfeit for every such default ten shillings or bee publicly whipte.

It is ordered That twenty pounds p annum bee raised by the Colonie for the defraying the charges of the Majestrates Table and other such like expences; (to be paid two p<sup>tes</sup> of three in wheat and the other third in barley to be paid some time in the month of November annually.)

June. Twenty pounds raised for defraying magistrates' charges. The clause in parentheses was added June 10, 1651.

That every Townshipp have libertie to make choise of a person whom they judge meet provided hee bee a freeman and propose him to the next generall Court of election; that out of them the Countrey by free election may make choise of such out of them and the old assistants as will make up the number of 7 assistants to supply the place of majestracy or any other of the freeman as they shall think meet;

Each town allowed to nominate a person for the office of Assistant, and from those nominated seven to be chosen.

For the regulateing of the Excise it is ordered That the deputies of every Township to set and let it to the best advantage for sum reasonable consideracon, and to return within a month what they have done in that respect; and for whatsoever is behind that it bee required and paid.

The excise to be set and let by the deputies.

Ordered That all such wolves as are killed by the Indians at Nantuxet or elsewhere from the 15<sup>th</sup> of March annually to the last of Aprill; the charge of the killing them shall be bourn by the whole

Bounty to the Indians for killing wolves.

Collonie; and that they shall have for every wolfe soe killed a coat of trading cloth; and at all other times of the yeare any either English or Indians that shall kill any wolves each Towne shall beare the charge of the killing of them wher they are killed.

None to furnish  
Indian servants  
with arms,  
except—  
Re-enacted in  
1653.

Whereas complaint is made that many under pretence of hieing Indians for to bee theire servants for a month or longer time, doe furnish them with guns powder and shott to kill fowle & deare &c. It is ordered that whosoever henceforth shall heir or imploy any Indian or Indians and furnish them with guns powder and shott or any one of them shall forfeit for every such default 40 shillings except they bee Indians that have been servants for divers years and are in a good measure civilised and approved of by the Governor and assistants.

Coopers required  
to make full sized  
casks.

It is ordered, That all Coopers shall make full sized cask barrells and hoggsheads for meat and fish; and that Cask for Tarr bee either barrells or kilderkins.

Nawsett called  
Eastham.

It is ordered That the Towne of Nawsett be henceforth called and knowne by the name of Eastham.

1652.

June.  
Freemen allowed  
to vote by proxy.

Ordered by the Court That whereas in regard of age disabilitie of body urgent occations and other inconveniencies that doe accrew sundrey of the freemen are hindered that they cannot appear att Courts of election in consideration whereof; It is ordered and enacted by the Court that any freemen of this corporacon shall have libertie to send his vote by proxy for the choise of Governor Assistants Comissioners and Treasurer:

The deputies to  
give notice to the  
freemen in town  
meeting, that  
they may give  
their proxies.  
Re-enacted in  
1653.

It is alsoe further enacted by the Court that the deputies of the severall Townes chosen to attend the Court of election and the severall adjournments thereof; shall in that Town meeting in which they are choses they or either of them give notice unto the freemen that those that entend not to make theire personall appearance att the Courte of election are now to give in their votes sealed upp for the choise of Governor asistants Comissioners and Treasurer: and the said Deputies to observe by a list of theire names who hath voted and who hath not; the which votes soe brought in to be yemediately scaled upp and brought unto and delivered in open Court by the said deputies.

Tax on boards  
sawed without  
the limits of any

Ordered That whosoever shall sawe any boards in any place within this Government that is not in the bounds of any particulare



Towne shall pay to the use of the Government twenty pence for every Thousand to bee payed to the Treasurer for the Countrys use and of Timber and plank according to the p'portion answerable.

town in the colony.  
Re-enacted in 1653.

That all such Caske as are made by any Cooper within this Government shall have the two first letters of his name sett upon such Caske hee makes by a burnt marke; upon penaltie of lose of his Caske the one halfe to the Countrey the other to the enformer and this order to bee in force forthwith.

Coopers to mark their casks with their initials.  
Re-enacted in 1653.

That noe person within this Government shall furnish any Indian with any Caske upon the penaltie of the lose of the price of the Caske, the one halfe to the Countrey the other halfe to the enformer.

No Indian to be supplied with a cask.  
Re-enacted in 1653.

That all Coopers within this Government are to make all their Caske according to London gage upon the like penaltie.

Casks to be made according to the London gage.  
Re-enacted in 1653.

That every Towne present a fitt person for serching of Caske and packing of fish and meate and to present them to a magistrate to bee sworne.

Inspector of casks and of fish to be appointed in each town.  
Re-enacted in 1653.

That all corn that is payed in defraying the publicke charges of the Countrey be payed att one prise.

Corn to be paid at one price towards the public charges.

It is ordered by this Court That whereas the purchasers and old comers were granted formerly two or three Tractes of land for them and their heires as by former acts of Court doe appear which they never yet for divers causes enjoyed, and som p<sup>te</sup> of which said Tractes have been granted to other plantations.

This Court now graunts and gives libertie unto the said Purchasers and old comers that all or whosoever amongst them will shall have libertie to looke out and make choise of such place or places as they can find within this Government or Jurisdiction not graunted alreddy to any; provided they exceed not their former proportions to accomodate them and their heires withall; and they have liberty graunted them to purchase the said lands of the natives by the approbacon of the Court; and soe many as shalbee thuse accomodated to relinkquish all their Rights interest and title in the former specified places made choise of by them, and the rest of the old comers and purchasers to take up their particulare proportions of land within the precinctes of the three former specified places; all which to bee performed by all the purchasers and old comers within fourteen monthes next ensueing this present Court.

The first purchasers authorized to select a tract of land for themselves and to purchase the same from the Indians.

And also it is further graunted by this present Court that all those as were att the courts graunt of the abovementioned two or three places Inhabitants allowed and now are freemen shall have the like libertie to looke out and make choise of some place or places for themselves and their heires as may afford them a sufficient accom-

Certain other persons to have the same liberty.

modacon for their comfortable subsistence within fourteen monthes after that if they can find it.

Indians forbidden  
to work on the  
Lord's day.  
Re-enacted in  
1653.

It is enacted by this Court that henceforth the Indians within this Jurisdiction bee not permitted to doe any servill worke on the Lords day as by fishing fowling planting and carring of burthens &c. and if any doe after notice given them hereof, they shalbee warned to the next generall Court by the Cunstable of the place where they soe transgresse.

A common stand-  
ard of measure  
to be used.  
Re-enacted in  
1653.

That a common standard for measure of corn bee made att Plym. videlecet a bushell and halfe bushell a peecke and an halfe peecke by a measure belonging to John Barnes which hath ben formerly allowed to bee the standard by the Court, and that every Towne within this Government have a standard made by them to try and seale their measures by which are to uniforme amongst them and to bee made round and these to bee provided by the last of November next ; and to be kept by the seallers of every Towne for the Towne's use.

A sealer of mea-  
sures to be ap-  
pointed in each  
town.

That in every Towne within this Jurisdiction there bee one appointed to try and scale measures, and to have for every measure tryed and sealed by him iiii<sup>d</sup> and onely round measures to bee allowed to buy and sell by ; and the severall townes to choose a fitt person for each towne for sealer and present him to a Magistrate to bee sworne.

The magestrates  
and deputies to  
settle and allow  
accounts for loss  
in the public ser-  
vice.  
Re-enacted in  
1653.

That the courts of Majestrates and deputies have power as to receive accounts soe to give allowance to any person in publicke place employed in any publick service for any losse or dammage &c. hee sustaines as they think fitt.

Fences, which are  
sufficient against  
oxen and cows,  
to be regarded as  
sufficient against  
horses.  
Re-enacted in  
1653.

That such fences as are judged sufficient against oxen and coves are by this Court allowed sufficient against horses and mares ; and if any horse beast breake into any corn or grasse over such sufficient fence the owners of such horses shall pay the dammages proved as if they were impounded.

That whereas the publicke charges of the collonie are increased and whereas by Gods providence many whales and other fishes are cast on shore in many partes of this Jurisdiction out of which the Court sees reason to require som p<sup>te</sup> of the Oyle made of them.

A barrel of oil to  
be paid to the  
colony for every  
whale which is  
found cast on  
shore.

This Court now ordereth that of every whale either cast on shore or bought of any Indian or Indians or taken on drift att Sea and brought to shore in any p<sup>te</sup> of this Jurisdiction there be one barrell of marchantable Oyle payed to the publicke Treasury to the Collo nies use to bee raised and payed as followeth, videlecet, every towne shall pay one barrell of marchantable oyle for every drift whale cast or brought on shore and seized on within the liberties and precincts

of theire severall townships or traded or bought of the Indians within their townships; and the person or persons as first seize or cutt any whale or shall purchase or trade any such whales of the Indians that shalbee soe cast on shore in any place within this Jurisdiction; out of the bounds of any particulare Township shall pay one barrell of Oyle for every such whale; and hee or they are heerby authorised to cause all such persons as cutt with him or them to pay thire equall proportions to him according to what they cutt towards the said barrell of oyle, and alsoe that there bee one appointed in every township by the Treasurer to demann and receive all such oyle as shalbee due and payable to the Treasury, And alsoe that it shall not lawfull for any person or persons of any township to cutt themselves or trade with the Indians for any blubber or oyle cast up or cutt within the precinctes of annother Township, provided that if any man take a drift whale of att the sea and bring or tow it to the shore, it be accounted his owne goods; if within an harbour or mile of the shore they bee taken they bee reputed the townships where they are brought on shore.

One appointed in each town to receive the oil.

But if the whale be found adrift at sea, &c., then to be the sole property of the finder. Altered in 1692.

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### 1653.

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Acts and orders made and coneluded att the Court holden att Plymouth the 9th of June 1653.

It is ordered by the Court, That betwixt this present day and the first Tusday in October next the townesmen of every towne within this government shall make and fully finnish a place or places for defence of theire said towne one or more as reason shall require videlecet, a brest worke with flankers unto every such work as shalbee made; and in case any p.son or p.sons shall refuse to worke att the said worke when the major p<sup>te</sup> of the townsmen of such townes where they live have agreed for the time and mannor and have given notice therof; theire names shalbee then returned to the court or counsell of warr; and if any towne shall neglect to performe the worke according to this order they shall forfeite the summe of ten pounds to the use of the country.

Every town to build one or more fortifications.

That in case two commissioners bee chosen and that through age enabillitie for travell sickness or the like they can not appear at the time and place appointed for that end; that then the next in nomination shall serve upon order from the Governor.

When the commissioners chosen cannot attend, then the next in nomination to supply their places.

Public officers to be paid in merchantable articles

That the publicke officers wages bee paied in such pay as is merchantable and current countrey pay and not in wampampeag or any such pay as is not current with the marchants ; And alsoe that all fines and countrey charges be paied in such pay as above said.

Charge for entry of actions to be paid before entry. Re-enacted in 1653.

That att the time of the entry of every action the charges of that action be defrayed before the action be entered.

The colony to pay the bounty on wolves paid to the Indians.

That all such wolves as are killed by any Indian or Indians within the government ; the charge thereof be borne by the whole countrey. Added sense att the court June 13th 1654, they are to have ten shillings pr wolfe.

Willful lies to be punished by fine or setting in the stocks. Re-enacted in 1660.

That every person of the age of discretion which is accounted sixteen yeares whoe shall wittingly and willingly make or publish any lye, which may bee p'nitius to the publicke weale or tending to the damage or hurt of any particulare person, or with entent to deceive and abuse the people with falce newes or reports and the same duely proved before any one Majestrate whoe hath heerby power graunted to heare and determine all offences against this law ; shalbee fined for every such default ten shillings ; and if the p<sup>tie</sup> be unable to pay then to bee sett in the stockes soe long as the said Majestrate shall appoint in som open place not exceeding the space of two houres.

## 1654.

June.  
Each towne to provide a booke for the record of lands. Re-enacted in 1653.

Ordered, That every Towne doe provide a booke for the recording such lands as are possessed by any for which they have not evidence and all such shall bringe Testimony of wnesse unto such as the towne shall appoint to take notice of the said evidence which shall be five in number of the same towne, and what the said five or any three of them being mett together shall conclude of they shall cause the towne clarke of the same towne to enter the same into the towne booke abovesaid and to bee published that if any within the tearme of two yeare can make better claime shall come in, and in case none doe by the time prefixed then it may be brought to the Court Record and entered and soe shalbee reputed sufficient evidence for the future.

Evidence of title, how preserved.

The treasurer directed to cause the debts due to the colony to be seasonably paid. Re-enacted in 1653.

The Court have ordered that the Treasurer by vertue of his said office shall take order that all debts due to the countrey whether by fine or otherwise bee seasonably brought in unto such place or places as hee shall appoint that soe all dues and debts due unto any person or p.sons from the countrey may bee seasonably and satisfactorily

defrayed except the publick officers wages which is otherwise provided for ;

That in case of weaknes or sicknes of any p.son or p.sons in any towne within this gov'tment, and that such as are deputed to drawe and sell wine or stroug waters have none, it shalbee lawful for any any one that hath any such, that they may sell it for such entents and purposes as to releave the weak and sicke, notwithstanding any former order to the contrary provided it bee with the liking and approbation of the majestrate if there bee any in that towne and in case there bee none that then it bee with the consent of the Cunstable of the towne.

Licensed retailers may sell wine to the sick.  
Re-enacted in 1653.

In regard that divers that were chosen to the office of Cunstable doe not appear to take oath ; It is enacted by the Court that any that have been this yeare chosen by any towne to serve in the office or for the future shalbee and shall refuse to take the oath of the Cunstable being thereunto required by any one Majestrate shall pay for a fine fifty shillings.

Penalty for refusing to take the oath of constable.  
Repealed 1660.

## 1655.

Att the generall Court holden at Plymouth the fift of June 1655.

It was enacted That such as shall deny the Scriptures to bee a rule of life shall receive Corporall punishment according to the discretion of the Majestrate soe as it shall not extend to life or limb.

Whoever denies the Scriptures to receive corporal punishment.  
Re-enacted in 1653.

Wheras there hath been many complaints of want of due maintenance of the minnisters as some have reported ; It is therefore enacted That noe Pastor or Teacher of any Congregation shall remove before his complaint hath been tendered to the Majestrates and they have heard both sides ;

No minister to leave his congregation till complaint has been made to a magistrate.

That upon such complaints if there appears to bee a reall defect in the hearers of the minnisters soe complaining ; the Majestrates shall use all gentle meanes to p.suade them to doe their duty heerin. But if any of them shall not heerby bee reclaimed but shall persist through plaine obstinaey against an ordinance of God that then it shalbee in the power of the Majestrate to use such other meanes as may put them upon their duty.

The magistrate may compel the congregation to do their duty.  
Re-enacted in 1653.

It was ordered by the Court That in case any horses cattle or hoggs shall trespas upon any and bee by them ympounded if after they are ympounded they remayne four daies after notice given to

July.  
Cattle &c. impounded may be sold after four days notice to the owner.

Re-enacted in  
1658.

the owners and bee neither replevied nor agreed for: it shalbee lawfull for such as impound them to make publicke sale of them after publicke notice given of theire Intention soe to doe and after damages satisfied: the remainder to bee returned to the owners.

Scotch and Irish  
to bear arms.  
Re-enacted in  
1658.

That all such Seotes and Irish as are in any Township in this Government shall beare armes and traine as others excepting such as are servants from month to month.

### 1656.

Att the generall Court holden att New Plymouth the sixt of June 1656.

The deputies to  
propound such as  
are to be admitted  
freemen.

The Court have ordered that henceforth such as are admitted to bee freemen of this Corporation; the deputies of such Townes wher such persons live shall propound them to the Court being such as have beene alsoe approved by the freemen in that towne wher such persons live.

None to sell  
boats, &c. to  
Indians.  
Re-enacted in  
1658.

It is ordered by the Court that henceforth noe one shall make sale of any manner of Barques or boates sayles or other rigging to any Indian or Indians on paine of forfeiting that which is soe sould and ten times the value thereof.

Indians living  
near any town  
forbidden to  
make any alarm  
by shooting.  
Re-enacted in  
1658.

It is ordered by the Court that all Indians living neare any towne of this Jurisdiction shalbe forthwith strictly charged not to make any Alarum in the night by shooting or otherwise unlesse nessesitated thereunto as they will answare it at their prill;

No Indian allow-  
ed to discharge  
a gun on the  
Lord's day.  
Re-enacted in  
1658.

And likewise that noe Indian shall discharge any gun on the Lords day att any thinge to the breach of the sabbath and disturbance of the English; as they will answare it at their prill.

No horse to be  
sold to an Indian.  
Re-enacted in  
1658.

It is ordered by the Court that none shall sell any horse or mare coult or foale to any Indian or Indians on paine of forfeiting every such horse or mare coult or foale that shalbee soe sold and ten times the vallue thereof.

July.  
The barrel of oyle  
due the colony  
for each whale  
cast on shore  
to be delivered  
at Boston.

It was ordered by the Court that whereas the country hath received great damage by a defect in the order about the barrell of oyle due for every whale taken on drift or cast on shore as is expressed in the said order by leakquage of caske or otherwise; The court have ordered that for the future all such oyle as shalbee due and payable as aforesaid shalbee delivered att Boston viz a full barrell of marchantable oyle for every whale and the freight thereof dis-

charged by those that deliver it : the said oyle to bee delivered att Boston to such as the Treasurer shall appoint from yeare to year and a receipt taken from such as to whome it is delivered shalbee a discharge to those that deliver it.

Wheras complaint is made that some have brought cards into some of the townes of this jurisdiction whereby sundry young p.sons mens both children and servants have ben drawne together to spend their time in playing at such unlawfull games to the corrupting of youth with sundry other sadd consequences that may follow by the p.mision of such practises. The Court have ordered that whosoever shall bring into this jurisdiction or keep in his house any cards for such purposes as abovesaid or shall suffer any to play att Cards or dice att any time or his house or where hee hath to doe or any that shalbee acters in playing att such unlawfull games shalbee fined the sume of forty shillings ; and for such as are servants or children that shall play att Cards or dice for the first offence to bee corrected att the discretion of theire parents or masters and for the second offence to be publickly whipt ;

Penalty for playing at cards.  
Re enacted in 1658.

It is enacted by the Court that any one that for the future shall be presented to the court for any fact on the Testimony of one wnesse although upon oath shall not bee for the same condemned without a second wnesse or concurring cercomstances.

Two witnesses required to procure conviction.  
Re-enacted in 1658.

It was ordered by the Court that it shalbee in the liberty of the Treasurer when a month is past after judgment, by warrant to require in any fine as he shall see reason.

The treasurer may have a warrant within one month after judgment.  
Re-enacted in 1658.

1657.

Att the generall Court of election holden at Plymouth the third of June, anno 1657.

Wheras this Generall Court taking into theire seriousse Consideration the great defect that either is or like to bee in y<sup>e</sup> severall Townshipes in this jurisdiction for want of an able Godly Teaching Ministry and the great prejedicce to the soules of many like to ensue ; and being desirouse according to our duties that such defects should not bee for want of due Incurragement to such as either are or shalbee employed in soe good a worke of the Lord for his honner and the good of soules. And in consideration that in asmuch as the severall Townshipes graunted by the Government ; was that such a Companie might bee received as should maintaine the publicke wor-

Four persons to be appointed in each town to assess taxes for the support of the ministry, unless—  
Re-enacted in 1658.

shipe and service of God there doe therefore judge that the whole body Church and towne are mutually ingaged to support the same ; And therefore order and agree, That in whatsoever Towneship there is or shalbee an able Godly Teaching Minister which is approved by this Government that then four men be chosen by the Inhabitants or in case of their neglect chosen by any three or more of the Majestrates to make an equall and just proportion upon the estates of the Inhabitants according to their abilities to make up such a convenient maintainance for his comfortable attendance on his worke as shalbee agreed upon by the Church in each township where any is with the concurrance of the rest of the Inabitants if it may be had or by the Majistrates aforesaid incase of their apparent neglect and that destresse, according as in other just cases provided, bee made upon such as refuse to pay such their proportions which is in justice due. But in case there bee any other way wherby any township doe or shall agree that may effect the end aforesaid this law not to be binding to them.

Constable may levy fines in remote towns for sums under 40 shillings.  
Re-enacted in 1658.

Ordered by this Court That all fines under forty shillings that shall fall in any of the remote Townes of this Govment shalbee levied by the Cunstable of that Towne by warrant from the Treasurer without sending the Marshall.

Military companies to bring their arms by course every Lord's day.

It is ordered by the Court That the Milletary companie of every Township in this government shall bring their armes by course every Lords day to the meeting viz. that the fourth p<sup>te</sup> of every such companie shall bring their armes as aforesaid with powder and bullett to improve if occation shall require, and whosoever shall neglect to carry his armes as aforesaid shalbee fined twelve pence for every default, to be levied by the Cun. of the towne for the companies use ; and the time of carring of armes to begine on the first of Aprill untill the last of November annually.

All who do not take the oath of fidelity, to leave the colony.

Re-enacted in 1658, and repealed in 1661.

The Court have ordered, That all such as reside within this Government that are att their owne despose and have not taken the oath of fidelitie shall have notice given them by the deputies of the severall Townes that they are to repaire unto some one of the Majestrates of this Jurisdiction betwixt the date heereof and the Court to be holden att Plymouth the first Tuesday in October next, and in case after the time prefixed any shall refuse to take the said oath for the space of six monthes after shall either depart the Government or pay a fine of five pounds.

Penalty for bringing a quaker or other heretic into the colony.

It is ordered by the Court ; That in case any shall bring in any quaker rantor or other notorious heritiques either by land or water into any p<sup>te</sup> of this Government shall forthwith upon order from any



one Magistrate returne them to the place from whence they came or clear the Gov<sup>t</sup>ment of them on the penaltie of paying a fine of twenty shillings for every weeke that they shall stay in the Gov<sup>t</sup>ment after warninge.

The Court doe recommend unto the severall Townes in this Jurisdiction by theire comittees, as that which is worthy of theire Consideration ; that it is necessary to trayne up some horses for milletary service ; viz. That in each Towne every one that keepeth three mares for every three mares that hee keepeth hee should keep a horse for the use aforesaid with furniture suitable ; w<sup>ch</sup> in case they should soe doe they should be freed from all milletary service as training and watching and such like ;

It is enacted by the Court and the authoritie therof that hensforth noe publicke meetings bee set up within this Gov<sup>t</sup>ment but such as the Court shall approve of.

Whereas there hath severall persons come into this Gov<sup>t</sup>ment comonly called Quakers whose doctrine and practices manifestly tends to the subversion of the fundamentalls of Christian Religion Church order and the civill peace of this Gov<sup>t</sup>ment as appeers by the Testemonies given in sundry depositions and otherwise ; It is therefore enacted by the Court and the authoritie therof that noe Quaker or person comonly soe called be entertained by any person or persons within this Gov<sup>t</sup>ment under the penaltie of five pounds for every such default, or bee whipt ; and in case any one shall entertaine any such person ignorantly if he shall testify on his oath that hee knew not them to be such hee shall bee freed of the aforesaid penaltie, provided he upon his first discerning them to bee such doe discover them to the constable or his deputie. It is alsoe enacted by this Court and the authoritie therof that if any rantor or quaker or person comonly soe called shall come into any towne within this Gov<sup>t</sup>ment and by any person or persons bee knowne or suspected to bee sush the person soe knowing or suspecting him shall forthwith acquaint the Cuntstable or his deputie of them on paine of presentment and so liable to censure in Court who forthwith on such notice of them or any other Intelligence hee shall have of them shall dilligently endeavour to apprehend him or them and bring them before some one of the majestrates whoe shall cause him or them to be comitted to Goale there to be kept close prisoners with such victualls onely as the Court aloweth untill hee or they shall defray the charge both of theire imprisonment and theire transportation away ; together with an Ingagement to returne into this Gov<sup>t</sup>ment noe more or else to be continewed in close durance till further order from the Court ; And for as much as the meetings

Persons keeping a military horse to be free from all other military duty.

March.  
No public meetings to be set up without leave of Court.  
Re-enacted in 1658.

Penalty for entertaining Quakers, &c.  
Re-enacted in 1658.

To be put in prison.

No meetings of  
Quakers to be  
held, &c.

The clause in  
italics is erased.

of such p.sons whether strangers or others proveth desturbing to the peace of this Gov<sup>r</sup>ment. It is therefore enacted by the Court and the authoritie thereof That henceforth noe such meetings bee assembled or kept by any p.son in any place within this Gov<sup>r</sup>ment under the penaltie of forty shillings a time for every speaker and ten shillings a time for every hearer that are heads of families and forty shillings a time for the owner of the place that pmits them soe to meete together ;  
(*and if they meet together att theire silent meetings soe called then each p.son soe meeting together shall pay ten shillings a time and the owner of the place shall pay forty shillings a time.*)

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## PART II.

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THE  
G E N E R A L L A W S

REVISED AND PUBLISHED

SEPTEMBER 29, 1659.

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THE BOOKE OF THE GENERALL LAWES AND LIBERTIES OF THE IN-  
HABITANTS OF THE JURISDICTION OF NEW PLYMOUTH COLLECTED  
OUT OF THE RECORDS OF THE GENARALL COURT, AND LATELY  
REVISED AND ESTABLISHED AND DEPOSED INTO AN APHABETI-  
CALL ORDER AND PUBLISHED BY THE AUTHORITIE OF THE GENE-  
RALL COURT HELD AT NEW PLYMOUTH THE 29<sup>TH</sup> DAY OF SEPTEM-  
BER ANNO 1659.

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Bec subject to every Ordinance of Man for the Lords sake.

I PETER 2cond 13th.

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## ADDRESS.

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To our Beloved Brethren and Neighbours, the Inhabitants of the Jurisdiction of New-Plymouth ; The Governour, Assistants, and Deputies Assembled att the General Court of that Jurisdiction, held att the Towne of Plymouth, the 29th of September 1658, wisheth Grace and peace in our Lord Jesus Christ.

It was the great priviledge of Israell of old, and soe was acknowledged by them, Nehemiah the 9th and 13. That God gave them right judgements and true Lawes ; for God being the God of Order, and not of Confusion hath comaunded in his word, and put man into a capacitie in some measure to observe and bee guided by good and wholesome Lawes ; which are soe fare good and wholsome, as by how much they are derived from and agreeable to the ancient Platforme of Gods Lawe ; for although sundry particulares in the Judiciall law<sup>e</sup> which was of old enjoyed to the Jews, did more espetially (att least in some Circumstances) befitt theire Pedagogye, yet are they for the mayne soe exemplary, being grounded on Principles of Morall Equitie, as that all men Christians espetially, ought alwaies to have an eye therunto, in the framing of theire Politique Constitutions ; And although severall of the Heathen Nations whoe were ignorant of the time God and of his Lawe, have bine famous in theire times, for the Enacting and Execution of such Lawse as have proved profitable for the Government of theire Comon-wealthes in the times wherein they lived ; Notwithstanding theire excelency appeered soe fare as they were founded upon grounds of Morall Equitie, which hath its Originall from the Law of God. And accordingly wee whoe have bine Actors in the framing of this smale body of the Lawes, together with other useful Instruments whoe are gone to theire rest, can safely say both for our selves and them, that wee have had, an eye primarily and principally unto the aforsaid Platforme ; and 2<sup>d</sup>ondarily, unto the right improvement of the liberties granted unto us, by our Superiors the State of England att the first begining of this infant Plantation ; which was to Enact such Lawes as should most befitt a State in the Non-age thereof ; not rejecting or onitting to observe such of the Lawes of our Native Countrey, as would conduce unto the good and growth of so weake a begining as ours in this wilderness, as any impartiall eye not fore-staled with prejudice, may ezely discern in the

pruresall of this smale Book of the lawes of our Collonie ; the premises duely considered, might work every consiencious sperit to faithfull Obedience : And although wee hold and doe afeirme that both Courts of Justice and Magistrates, whoe are the minnesters of the Lawe are essentially Civill ; notwithstanding wee conceive, that as the Magistrate hath his power from God, soe undoubtedly hee is to improve it for the honer of God, and that in the uphoalding of his worship and service, and against the contrary, with due respect also to bee had unto those that are really consienyous, though differing and decenting in som smaller matters ; But if any really or in pre-tence of conscience shall professe that which eminently tendeth to the Inundation of Civell State, and violation of naturall Bonds, or the overthrow of the Churches of God or of his Worship, that heer prudence is to bee improved in the Enacting and Execution of lawes.

It hath bine our Indeaver in the framing of our lawes, that nothing should bee found amongst them, but what will fall under the same particulares, wee have likewise reduced them to such order, as they may most conduce to our utilitie, and profit ; possibly it may bee that weakness may appeer in the composure of sundry of them for want of such plenty of able Instruments as others are furnished withall : However lett this suffice the gentle Reader that our ends are, to the utmost of our power in these our Indeavours, to promote the comon good both of church and State, both att pesent and for future ; and therfore so fare as we have aimed att the Glory of God ; and comon good, and acted according to God ; Bee not found a Resister but Obedient, lest therby thou resist the Ordinance of God, and soe incurr the displeasure of God unto Damnation. Rom. 13. 2.

By order of the General Court

NATHANEEL MORTON Clarke.

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1658.

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Wee the Associates of New Plymouth coming hither as freeborne subjects of the state of England indowed with all and singulare the privildiges belonging to such being assembled doe ordaine constitute and enacte that noe acte imposition law or ordinance bee made or imposed upon us att p'sent or to come but such as shalbee made and imposed by consent of the body of the Associates or their Representatives legally assembled, which is according to the free libertie of the State of England.

No act or ordinance to be made without the consent of the body of Associates.  
Nov. 1636.

Court of Election  
in June annually  
—other courts in  
October and  
March  
1642.

Whereas by the first Associates of this Government the Courts of Election were held in the month of January Annually and afterwards in the month of March annually ; By reason of the unseasonableness of those times of the yeare ; It is enacted by the Court and the Authoritie thereof That the Election Courts bee holden the first Tuseday in June Annually : And the other Generall Courts bee holden the first Tuseday in October and the first Tuseday in March Annually ; and that the Courts of Assistants bee holden the first Tuseday in August the first Tuseday in December the first Tuseday in Febrewary and the first Tuseday in May Annually.

Persons to be  
admitted freemen  
to be first propounded one  
year.

It is enacted by the Court and the Authoritie thereof that all such as shalbee admitted freemen of this Corporation shall stand one whole yeare propounded to the Court viz to be propounded att one June Court and to stand soe propounded untill the June Court following and then to bee admitted if the Court shall not see cause to the Contrary.

Deputies to be  
chosen annually,  
who with the  
magistrates shall  
make and repeal  
laws, except—

Wheras divers actes and orders touching the making and repealing of lawes att June Courts and the adjournments therof is rendered with a dubious Interpretation ; and this Court haveing by propositions to the freemen of the severall Townships desired their answers in order to the regulating therof but not receiving any answer from sundry of them have seen cause to declare their owne sence therof and therefore doe enact That fitt and able persons bee annually chosen out of the freemen to attend June Courts and the severall adjournments therof by the approved Inhabitants quallified as in such case is provided of this Jurisdiction in their respective townships for deputies unto whom with the majestates as the body representative is comited full power for the making and repealing of all lawes as upon their seriouse considerations they shall find meet for the publicke weale of this Jurisdiction and that then onely such lawes bee enacted or repealed except the Gover. for the time being shall see waighty and necessary cause by the complaint of the freemen or otherwise to call a speciall Court either of the whole body of the freemen or their deputies ; the freemen of this Jurisdiction being left to their liberties to send their voate by proxy for the choise of Gov<sup>r</sup>. Assistants Comissioners and Treasurer in such way as by order of Court is alreddy provided, and this order to stand in full force till the whole body of freemen shall take further order therein ; It is alsoe further provided that upon notice given in an orderly way to the Gov<sup>r</sup> by the major p<sup>te</sup> of the freemen of this Jurisdiction of their apprehensions of a nessesitie of the body of freemen to come together ; then the Gov<sup>r</sup> for the time being shall take

The freemen  
may vote by  
proxy.



the first opportunite to summon in the body of freemen to advise and acte ther as the matter shall require.

It is enacted by the Court that att Courts of election the voates of all the freemen present bee first read and next after them the deputies of the severall townes shall orderly p<sup>r</sup>sent the proxy of their owne Towne.

The votes of the freemen present to be first read.

It is enacted by the Court and the Authoritie therof that other public officers besides Gov<sup>r</sup> and Assistants bee chosen and established att the Court in June Annually viz. Comissioners and Treasurer; and that other inferior officers; as Cunstables grandjorymen and Surveyors for the highwaies bee then alsoe confeirmed if approved by the Court.

Other public officers besides Governor and Assistants to be chosen at June Court.

It is enacted by the Court and the Authoritie therof that in case there shalbee occasion for a Corroner that the next Majestrate where such accedent falls shall sitt as Corrowner and execute that office according to Custome of England as near as may bee.

Magistrate to act as coroner in certain cases. 1663.

#### THE OATH OF THE CLARKE OF THE COURT.

You shall faithfully serve in the office of the Clarke of the Court for the Jurisdiction of New Plymouth You shall attend the Generall Courts held for this Government att Plymouth aforesaid and the severall adjournments therof; and the Courts of Assistants and there imploy youerselfe in such occasions as are behoofull to your said place and office you shall likewise attend such other meetings of the majestrates of like nature as above expressed that shall or may fall out in the Interims of time betwixt the said Courts You shall not disclose but keep secult such thinges as concerne the publicke good and shalbee thought meat to bee concealed by the Gov<sup>r</sup> and Councell of Assistants You shall faithfully record all such thinges as you shall have order from authoritie to comitte to Publicke Record and shall faithfully keepe the publicke Records of this Jurisdiction Soe healp you God who is the God of truth and the punisher of falshood.

The fees of the clarke of the court allowed and agreed upon by Fees. the court.

Impr. for every Recognizance of the peace ii <sup>s</sup> the take-	£	s.	d.
ing and ii <sup>s</sup> the releasing	-	-	-
To the Cryer foure pence	-	00.	04.
For a Recognizance for the good behavior 4 <sup>s</sup> taking	-	-	-
and 4 <sup>s</sup> the releasing	-	-	-
To the Cryer 8 <sup>d</sup> .	-	00.	08.
For a warrant of the peace or any other graunted by the	-	-	-
Court	-	00.	02.

Fees.	For a warrant of the good behaviour	-	-	-	00. 04. 00
	For a copy of an order	-	-	-	- 00. 02. 00
	For an Inditement	-	-	-	- 00. 02. 00.
	For a Replevin,	-	-	-	- 00. 02. 00
	For entering of an action	-	-	-	- 00. 00. 06.
	For a declaration	-	-	-	-
	For a warrant to summon a jury	-	-	-	- 00. 00. 06.
	For an answere	-	-	-	-
	For recording the verdict	-	-	-	- 00. 01. 06.
	For an ordinary warrant from the Gov <sup>r</sup>	-	-	-	- 00. 00. 06.
	For recording a bargain or giuft of house or lands	-	-	-	- 00. 02. 06.
	For entering a bargain of beasts or cattle	-	-	-	- 00. 00. 06.
	For entering and drawing a copy of an evidence of land graunted by the Court	-	-	-	- 00. 05. 00
	For regestring a will	-	-	-	- 00. 02. 06
	For regestring the Inventory	-	-	-	- 00. 02. 06.
	For a Suppena for Witnesses	-	-	-	- 00. 00. 06
	For entering a graunt of lands by the Court of Assis- tants.	-	-	-	- 00. 01. 00
	For a serch of an order will &c.	-	-	-	- 00. 00. 04.
	For a copy of a Will	-	-	-	- 00. 01. 00.
	For a copy of an Inventory	-	-	-	- 00. 01. 00
	For entering a freeman	-	-	-	- 09. 00. 06.
	For recording of a marriage	-	-	-	- 00. 00. 06
	For recording of Contracts for servants	-	-	-	- 00. 00. 04.
	For making an execution.	-	-	-	- 00. 01. 06.

#### THE OFFICE AND OATH OF THE CHEIFE MARSHALL.

You shalbe reddey to attend the Generall Courts and theire severall adjournments and the Courts of Assistants and alsoe the Court of Comissioners when they meet in this Government and the Gov<sup>rs</sup> pson especially att those Courts You shall faithfully with what speed you may collect and gather all such fines and sumes of money you shall have warrant soe to do by the Gov<sup>r</sup> or any of his Assistants; and shall with like dilligence levy the goods of any p'son for which you shall have warrant soe to doe by any execution graunted by the Court and that the same soe collected or levied you shall with all convenient speed deliver into the Treasurer or the persons to whom the same shall belonge and shall serve all attachments directed to you which shall come to your hands and shall performe doe and execute all such lawfull Commands directions and warrants as by lawfull authoritie heer established shalbee comitted to your care and charge

without favor or p.ciallitie to any person and shall take only your ordinary fees allowed without exaction upon any person: and shall safely keep as head Marshall all such persons as shalbee comitted to your Custitie by the Government Gov<sup>r</sup> or any of his Assistants soe healp you God &c.

Moreover it is enacted by the Court that the cheife marshall have full power in case hee see occation to require aid and assistance of any to assist him in the execution of his office; and the adminnestration of his s<sup>d</sup> office shall extend to all places within the lymetts of this Government &c.

The chief marshal may require aid.

The cheife marshall is allowed twenty make p annum for his wages besides his ordinary fees allowed by the Court.

Salary of chief marshal.  
1616.

The fees of the Cheife Marshall allowed by the Court.

Fees.

	£.	s.	d.
It. for serving of an execution - - -	00.	05.	00.
It. for his journey about it 2 <sup>d</sup> p mile - - -	00.	00.	00.
It. for serveing an attachment - - -	00.	02.	06.
It. for a Comitment - - - - -	00.	02.	06
It. for Imprisonment 2 <sup>s</sup> 6 <sup>d</sup> per day - - -	00.	00.	00
It. for every action that is entered - - -	00.	00.	06
It. the one halfe of all fines not exceeding - - -	00.	06.	00

It is enacted by the Court that the Cheife Marshall shall have two shillings in the pound for gathering of fines &c. if they bee not brought in by the p'ties themselves.

THE OFFICE AND OATH OF THE UNDER MARSHAL.

You shalbee ready to attend the Generall Courts and Courts of Assistants and doe such service as shalbee comaunded you by the Gov<sup>r</sup> or any of his Assistants and shall reddily execute and inflict all such Censures and punishments as by authoritie of this p'sent Gov<sup>r</sup>ment shalbee adjudged to be inflicted upon any delinquent and offenders according to the nature of all such warrants and mandates as shalbee directed to you without favor or p.ciallitie to any person and shall faithfully and safely as under keeper or under Marshall keep all such delinquents Malfactors and fellows as shalbe comitted unto you and shall take onely your ordinary fees allowed without exaction upon any soe healp &c.

The under Marshall is allowed twenty nobles p. annum besides his fees allowed by the Court.

Salary of the under marshal.  
1652.

It is enacted by the Court that the publicke officers wages shalbee paid in Corn.

Wages of public officers to be paid in corn.

Corn to be paid  
at one price.

It is enacted by the Court that all Corne that shall be paid in defraying the publicke charges of the Countrey shalbee paid att one current prise.

Fees of under  
marshal.  
Repealed June,  
1659.

It is enacted by the Court that henceforth whatsoever Centences or Censures shall fall out to bee inflicted by the under Marshall hee shalbee paid by the Countrey for the same ; and hee shall have but one shilling and sixpence a day for every prisoner he hath in his Custitie attany time if hee have more than one att a time ; but in case hee have but one att a time in his Custitie hee is alowed two shillings and six pence a day.

Governor and  
Assistants may  
impress men to  
be employed on  
public works.

It is enacted by the Court that it shall be lawfull for the Gov<sup>r</sup> or assistants to presse any either tradsmen or others to bee employed in the behalfe and for the use of the Countrey as to provide or repaire prisons stockes whipping posts or other Instruments of Justice and all such to be payed with current Countrey pay.

What are the re-  
mote towns.  
1657.

It is enacted by the Court that all fines under forty shillings that shall fall in any of the remote townes of this Gov<sup>r</sup>ment shalbee leaved by the Cunstable of the towne by warrant from the Treasurer which remote townes are explained by the Court to be Taunton Rehoboth Eastham and Bridgwater.

The court may  
reject unfit mem-  
bers and direct  
the towns to make  
a new choice.

It is enacted by the Court and the authoritie thereof That wheras the number of freemen in many places is but small and the Inhabitants of the townships many more who have equale voates with the freemen in choise of deputies whoe being the body of freemen representative together with the Majestrates have equale voates for the enacting of lawes whoe by weaknes prejudice or otherwise it hath or may come to passe that very unfit and unworthy persons may be chosen that cannot answeere the Courts trust in such a place ; That all such Courts as Majestrates and deputies are to acte in making of lawes and being assembled the Court in the first place take notice of their members and if they find any unfit for such a trust that they and the reason thereof bee returned to the towne from whence they were sent that they may make choise of more fitt and able p.sons to send in their stead as the time will pmit.

No actions to be  
tried at June  
Courts.  
Repealed June  
14, 1660.

Whereas the Courts held in June annually are usually full of much busines soe as the Court cannot then convenient attend the tryall of actions It is enacted by the Court that it shalbee lawfull for any to comence a suite for the triall of a cause of any vallue betwixt p<sup>t</sup>ie and p<sup>t</sup>ie att the Court of Assistants held in May annually and that noe action shall hensforth be tried att June Courts.

It is enacted by the Court that if a stranger or forraigner have any occation to comence a suite att any time betwixt the Courts for the

triall of any cause of a considerable vallue ; hee hath libertie to purchase a Court for such a purpose if hee shall put in Cecuritie to defray the charge, and that there shall not bee lesse then three of the Majestrates att every such Court.

A foreiguer may purchase a court, if he give security for costs.

It is enacted by the Court and the Authoritie therof that whosoever shall comitt Adultery shalbee severely punished by whipping two severall times ; viz one whiles the Court is in being att which they are convicted of the fact, and the 2<sup>cond</sup> time as the Court shal order ; and likewise to weare two Capitall letters viz. A D. cut out in cloth and sowed on theire uper most Garments on theire arme or backe ; and if att any time they shalbee taken without the said letters whiles they are in the Gov<sup>t</sup>ment soc worn to bee forth with taken and publickly whipt.

Adultery, how punished, 1636.

It is enacted by the Court that wheras many have sustained great damage by the Indiscreet fiering of the woods though justly occasioned therunto that none shall fier the woods att any time but they shall give warning therof to the neighbours about them, and the time of fiering of them to bee from the fifteenth of Febrewary to the latter end of Aprill ; alsoe that if any person att any time shall fier any the woods and hath noe just occasion soe to doe hee shalbee fined ten shilling to the use of the Gov<sup>t</sup>ment or bee whipt.

Firing of woods, &c. 1636, 1633.

Wheras complaint is made of great abuses in sundry places of this Gov<sup>t</sup>ment of prophaning the Lords day by travellers both horse and foot by bearing of burdens carrying of packes &c. upon the Lords day to the great offence of the Godly welafected among us. It is therfore enacted by the Court and the authoritie therof that if any pson or psons shalbee found transgressing in any of the precincts of any township within this Gov<sup>t</sup>ment hee or they shalbee forthwith apprehended by the Cunstable of such a towne and fined twenty shillings to the Collonies use or else sit in the stockes foure houres except they can give a sufficient reason for theire soe doeing, and they that transgresse in any of the abovesaid particulares shall onely bee apprehended on the Lords day and on the 2<sup>cond</sup> day following shall either pay theire fine or sitt in the stockes as aforesaid.

Penalty for travelling on the Lord's day.

It is enacted by the Court and the Authoritie therof That noe Quaker Rantor or any such corrupt pson shalbee admitted to bee a freeman of this Corporation.

No quaker to be admitted a free-man.

It is enacted by the Court and the authoritie therof that all such as are opposers of the good and wholsome lawes of this Collonie or manifest opposers of the true worship of God or such as refuse to doe the Country service being called therunto, shall not bee admit-

Those who oppose the laws, or refuse to serve the country, not to be admitted freemen.

ted freemen of this Corporation ; being duely convicted of all or any of these.

Quakers, &c. to  
lose their free-  
dom.

It is enacted by the Court and the authoritie thereof that if any person or persons that are or shalbee freemen of this Corporation that are Quakers or such as are manifest Incurragers of them and soe judged by the Court or such as shall contemptuously speake of the Court or of the lawes thereof and such as are judged by the Court grossly scandalouse as lyers drunkeards swearers &c. shall lose theire freedome of this Corporation.

Those who re-  
fuse to take the  
oath of fidelity  
as quakers, &c.  
not to vote.

It is enacted by the Court that all such as refuse to take the oath of fidelitie as Quakers or such as are manifest encorragers of them shall have noe voat in the choise of publicke officers in the place wher they dwell or shalbee employed in any place of trust while they continue such.

#### THE ORDER OF COURT CONCERNING THE COUNCEL OF WARR.

The Council of  
war established.

In regard of the many appearances of danger towards the Countrey by Enimies and the great nessessitie of Councell and advise in which respect the Court thought meet to make choise of a Counsell of warr consisting of eleven psons whose names are elsewhere extant in the Records of the Court which said eleven being orderly called together theire acte to be accounted in force and they to bee continewed in theire places untill others bee elected to bee orderly called together is ment being sumoned by the p'sedent or his deputie or in case of theire absence any two majestrates of the Councell of Warr.

In 1659 the court  
declared a call  
from the Govern-  
or or Major to be  
within the mean-  
ing of the order.

May issue war-  
rants, &c.

That the Councell of warr shall have power to issue out warrants in his Maties name to presse such a number of men & horses in every towne as by proportion the said towne is to sett forth and alsoe to issue forth warrants to the said townes for armes and provision and all things nessesary for them and what charges shall arise to bee levied on each town proportionably as other publick rates and to give comission to any cheife Officer under theire charge either in time of peace or warr.

#### THE PROCEEDEING OF THE COUNCELL OF WARR IN THE CONSTITUTEING AND COMISSIONATING OF A MAJOR.

Commission of  
major.

The Councell of warr being assembled doe heerby constitute im-  
power and Comissionate you our Trusty and welbeloved frind J W.  
to bee as cheife Officer over the milletary Companies of this Juris-  
diction bearing the title of a Major and to act therein as is provided  
by order of Court annexed to your office according to such Instruc-

tions as you have or shall from time to time receive from the Councell of warr in psuance whereof all Captaines Inferior officers and souldiers are heerby required to be in Reddy subjection to you during your continuance in the said Office which shalbee untill the Councell of warr shall see cause otherwise to order;

Given under our hand and Seale.

T P President with the Consent of the rest of the Councell of Warr.

Enacted that every towne that shalbee defective in the want of a drum att any time for the space of two monthes shall forfeit the sune of forty shillings to the Collonies use that shalbe defective in Coulbers the space of six monthes four pounds.

Penalty for a town to be without a drum.

That every Towne provide halberts for their serjeants of their milletary Companie;

Every town to provide halberts.

That a considerable Companie of half pikes be provided in every towne att the charge of the township viz: where 80 men are able to beare armes there twenty to bee provided and soe proportionable to their number bee they greater or lesser;

A company of half pikes to be provided in every town.

#### THE OATH OF A CLARKE OF A MILLETARY COMPANIE.

You shall faithfully serve in the office of a Clarke of the Milletary Companie of &c. for this p'sent yeare during which time you shall dillegently attend such sett times of training as your officers shall appoint you shall keep an exact list of the names of your whole Companie and take notice of all such defects as shall arise by the breach of any wholesome order or orders made by the said Companie and gather in all such fines as belonge thereunto and give a just account therof to the Companie or such as they shall appoint: Soe healep you God &c.

Enacted that such as are chosen Clarke of any Milletary Companie shalbee sworne and any that shall refuse to serve as Clarke for one yeare being chosen, shalbee fined twenty shillings; and he that is next chosen and serves to have the said sune;

Penalty for declining to serve as clerk of a military company.

It is enacted by the Court and the authoritie thereof that a fourth part of each Milletary Companie in this Jurisdiction shall every Lords day carry their armes to the publicke meeting in the Township where they dwell viz: some serviceable peece and sword and three charges of powder and bullets on paine of the forfeiture of 2 shillings and six pence for each daies neglect; and this to bee observed from the first of March to the last of November yearly: these defects to bee gathered by the Milletary Clarke and the Cunstable to the use of the Companie. It is further enacted by the Court that the cheife

A fourth part of each military company to carry their arms to meeting on the Lord's day.

Military Comander in each towne shall take care that a list bee drawne and sett up in the meeting house by which every man may know to what Squadron he belonges and when he is to carry armes and alsoe to appoint some over every Squadron to take notice and give an account of the severall defects on the penaltie of the forfeiture of five pounds to the Countreys use for such neglect; and that this order take place and beginne from the seaventeenth of this Instant October 1658 except men bee sick or abroad and have none att hom to carry theire armes.

Troop of horse,  
how raised.

It is enacted by the Court and the authoritie therof that a troop of horse well appointed with furniture viz a Saddle and a case of Petternells for every horse shalbee raised out of the severall Townshippes to bee reddey for service when required and maintained for that purpose to bee raised as followeth viz.

Plymouth	-	-	-	3	Yarmouth	-	-	-	3
Duxborrow	-	-	-	3	Barnstable	-	-	-	3
Scittuate	-	-	-	4	Marshfield	-	-	-	3
Sandwich	-	-	-	3	Rehoboth	-	-	-	4
Taunton	-	-	-	3	Eastham	-	-	-	3
					Bridgewater	-	-	-	1

To be free from  
foot service.

In all thirty and there and that all such shalbee freed from foot service and from watching & warding and theire horses rate free; and to bee reddey by June next ensueing the date heerof on the penaltie of the forfeiture of ten pounds for every towne that shall neglect.

THE OATH TO BEE ADMINISTRED TO A TOWNE CLARKE IS AS FOLLOWETH.

1654.

You shall faithfully serve in the office of a towne Clarke in the towne of — for this present yeare and soe long as by mutuall consent the town and you shall agree; during which time you shall carefully and faithfully keep all such Records as you shalbee Intrusted withall and shall record all towne actes and orders and shall enter all towne graunts and Convayances. You shall record all birthes marriages and burials that shalbee brought unto you within your towne and shall publish all Contracts of marriages you shalbee required to doe according to order of Court bearing date the twentieth day of October 1646 Soe healep you God whoe is the God of truth and punisher of falsehood.

All who have not  
taken the oath of  
allegiance to be  
summoned to the  
June Court.

Forasmuch as it was ordered att June Court last that all such as were house keepers or att theire owne dispose that were not freemen and had not taken the oath of fidelitie to this Govrment should take the said oath by that time then prefixed or bee fined to the Collonies use the summe of five pounds and wheras divers psons notwithstanding all



patience and long forbearance refuse to take the said oath and yett make their residence amongst us It is therefore enacted by the Court and the authoritie therof that every such person or persons shall every election Court bee summoned to make their appearance theratt during the time of their aboad in this Government and if any such pson or psons shall then refuse to take the said oath shalbee fined the sume of five pounds to the Collonies use.

Whereas it is observed that divers psons in this Government are not able to provide Competent and convenient food and raiment for their Children wherby it is that poor children are exposed unto great want and extremitie ; It is enacted by the Court and the authoritie therof that two or three men shalbee chosen in every township of this Govrment that all such as are not able to provide necessary and convenient food and clothing for their Children and will not dispose of them themselves soe as they may bee better provided for ; such said children shalbe desposed of by the said men soe appointed as they shall see meet soe as they may bee comfortably provided for in the premises and the severall townes shall returne the names of such men as shalbee deputed and chosen unto the Court.

Every town to choose two or three men to make provision for poor children.

It is enacted by the Court that every Towne within this Government shall have a Standard for measures of Corn made by those that are provided att Plymouth by a former order of Courts ; for that end to try and seale their measures by which are to bee uniforme amongst them and to be made round ; and these to bee provided by the last of November 1658, and to be kept by the Seallers of every towne for the townes use.

Every town to have a standard of measures.

It is enacted by the Court that every Miller within this Jurisdiction shall have two toule dishes viz a quart and a pottle but to be soe made that upheaped they will hould noe more then a quart and a pottle by the measure allowed and those to bee sealed by the last of November 1658 or else to pay ten shillings for every month soe longe as the said miller keepeth them unsealed after and that all Millers shall provide Scales and waighes to way mens Corn as occasion shall require.

Millers to provide toll dishes and scales.  
1645.

It is enacted by the Court that if any Indian shall kill a woulfe in any township of this Jurisdiction hee shalbee paid a Coate of Trading Cloth and if any English shall kill a woulfe hee shall bee paid fifteen shillings to bee paid by the Countrey and defrayed by the Treasurer.

Bounty for killing wolves.

It is enacted by the Court and the authoritie therof.

1. That every Towne in this Government shall have some publicke brand marke for their horses to distinguish them from other

Every town to have some public brand for their horses and a fit person to register it.

townes and alsoe some fitt pson appointed to take notice of mens publicke markes for horses and register them in a booke with their day and yeare which may bee the towne clarke and the said pson to have four pence a peece for every horse kind he registereth.

2. That all psons that are resident in any township and have horses goinge there give in unto the said pson from time to time their severall markes of their horses with their age that soe they may record them.

Horses unmarked to be taken by the marshal, &c.

3. That if any horse kind being above two yeares old and noe marke whereby the owner of them may bee clearly knowne that the said pson soe deputed takeing notice of any such signify the same to the marshall the next generall Court that soe hee may bee three times cryed with his age and couller and that if within six monthes afterwards any upon due evidence can own them paying all necessary charges hee may have him but if in six monthes time none can owne him that then the said horse kind bee looked at as belonging to the Countrey and the Treasurer to take order to dispose of him for the Countreyes use as the Countreyes stocke defraying all necessary charges.

The age of horses to be proved before they are marked.

4. That noe pson or psons marke any horse kind younge or old but before sufficient witnesse that none bee wronged.

No person to send a horse out of the colony until he has given evidence of ownership to the register.

5. That noe pson or psons take up any horse kind soe as to send them out of this Government before hee or they cary the same to the pson deputed and soe evidence it to bee his or theirs for whom taken up and take a note under his hand and that hee shall enter it both day and yeare.

Indians not allowed to take up horses except—

6. That noe Indians bee pmitted to course or take up any horses except in companie with the English and that with the consent and approbacion of a majestrate if there bee any in that towne; if not the approbacion of the Towne Clarke.

Penalty for carrying a horse out of the colony without a certificate.

7. That if any pson or psons shalbee found carrying any horse kind out of this Jurisdiction without a note under the hand of the ptie deputed as above said from whence hee came that the horse bee secured att the Owners charge untill a note bee procured and the pson that brought him bee fined five pounds to the Countrey if an Inhabitant, but if a stranger not knowing the order the like penaltie upon him that delivered him if an Indian to bee publickely whipt by the Cunstable where he shall bee taken with the horse.

Towns may impound horses that run at large.

8. That wheras severall complaints have bine made to the Court by divers of great wrong and damage by straying horses not onely of other Townes but alsoe of other Jurisdictions and noe redresse. This Court ordereth That all such p-sons whose horses soe Treas-

pas any yett noe redresse or satisfaction tendered ; That the Townshippes soe agreived as they have opportunite ; doe impound the said horses untill some due satisfaction bee given or Composition made for the treaspas, and alsoe all other dues for their impounding ; and hee that keeps the pound to have sixpence for every horse that is impounded.

Wheras it hath bine an ancient and wholesome order bearing date March the seaventh 1636 that noe pson coming from other ptes bee allowed an Inhabitant of this Jurisdiction but by the approbacon of the Govr and two of the Majistrates att least and that many persons contrary to this order of Court are crept into some townshippes of this Jurisdiction which are and may bee a great disturbance of our more peacable proceedings, bee it enacted by the Court and the authoritie therof that if any such pson or psons shalbee found that hath not doth not or will not apply and approve themselves soe as to procure the approbacon of the Govr and two of the Assistants that such bee inquired after, and if any such psons shalbee found that either they depart the Government or else that the Court take some such course therein as shalbee thought meet.

Persons residing in the Colony without leave, to be inquired after.

Wheras complaint is made that much timber is feld on the comon and lett lye and not employed and suffered to rott there by those that feld it and thereby the Countrey much daminfyed, It is enacted by the Court that whosoever shall or hath felled any timber on the Comon and doth not either square or rive it within halfe a yeare after it is felled it shalbee lawfull for any other to make use therof as they shall see meet.

Any person may take timber, which is cut upon the common lands and not squared, &c. in six months.

It is enacted by the Court that after December 1658 noe raw hides either slaughtered or otherwise falling or any skines viz deer skins sheep skins goate skins or calve skins that shall fall shalbee transported out of the Government on the penaltie of forfeiting them or their vallue to the Collonies use.

No raw hides or skins to be exported.

It is enacted by the Court that when the upper Marshall shall have occation to levy any fine or fines hee hath libertie by this order to choose one to prise the goods or Chattles taken by destresse ; and the delinquent hath libertie to chose another if hee please, but if the delinquent shall refuse to choose another then the Marshall and him whoe hee hath chosen shall prise the said goods or chattles and in case any bee required by the Marshall to prise the said goods or Chattles and shall refuse hee shalbee fined five shillings for every such default to the Collonies use ; and what expence of time and paines any shalbee att in prising such said goods or chattles hee shalbee reasonably satisfied for the same.

Appraisers of goods taken by distress, how chosen.

Penalty for refusing to serve.

Penalty for refusing to serve on the grand inquest.

It is enacted by the Court that if any shalbee chosen to serve on the Grand enquest and shall refuse to serve hee shalbee fined to the Collonies use the sume of ten shillings for every Court that hee is absent within the yeare for which hee is chosen to serve, and in case hee shall wholly exclude himselfe all the yeare hee shalbee fined the sume of forty shillings to the use of the Collonie unlesse hee can give sufficient reason to the Contrary unto the Court.

Wheras sundry persons both Quakers and others wander up and downe in this Jurisdiction and follow noe lawfull calling to earne their owne bread and alsoe use all Indeavors to subvert civill state and to pull downe all churches and ordinances of God to thrust us out of the ways of God notwithstanding all former lawes provided for the contrary :

A work-house to be erected for vagrants and idle persons.

Be it therefore enacted by this Court and the authoritie thereof that with all convenient speed a worke house or house of correction bee erected that all such vagarants as wander up and downe without any lawfull calling and alsoe all idle psons or rebellious children or servents that are stuborne and will not worke to earn their owne bread and yett have not wherewith to maintain themselves, may bee put to this house of Correction and there bee employed in such worke as shalbee there provided for them, and to have noe other supply for their sustenance then what they shall earne by their labour all the while that they shall continew there, and also that some faithfull man bee appointed by the Court to be overseer of this house of Correction whoe shall carefully observe such orders as shalbee from time to time directed to him from the Gov<sup>r</sup> or any of his assistants concerning any pson or psons that may bee sent to him.

The court to appoint three men to make a rate upon the inhabitants of any town that may be fined.

It is enacted by the Court and the authoritie thereof that in case any towne of this Gov<sup>r</sup>ment shalbee fined that the Court shall appoint three men to make a rate to levy the fine whoe shall proceed therein according to the rules sett down in the orders about the rates of the Countrey as neare as may bee, and incase such men as shalbee soe appointed to make the said rates shall neglect it ; they shall pay the fine themselves and such said rates as shalbee made ; a copy therof shalbee delivered to the Cunstable to bee levied as rates for other charges.

Towns to take measures to have the lands of the inhabitants bounded.

It is enacted by the Court and the authority thereof that all townes in this Government take cause that the true bounds of every of their Inhabitants land be certainly knowne, and sufficient bound markes to their particular lands on the penaltie of the forfeiture of ten shillings for every such neglect, the one half to the enformer and the other half to the Towne ; and this to bee done att or before the

fifteenth day of ——— 1659 ; and in case the Towne bee neglective they to bee liable to the fine of three pounds to the Colonies use.

It is enacted by the Court and the authoritie therof that in case there shalbee occasion to imploy a messenger in the Countreyes busines that it shalbee lawfull for any of the majestrates to presse any person or psons to goe on the Countreyes occasions and to bee payed out of the Countreyes stocke.

The magistrates may compel any person to act as messenger, when necessary.

It is enacted by the Court that every township in this Govrment shall have a booke of the lawes of the Collonie and that they bee read oppenly once every yeare.

Every town to have a book of the laws of the colony, and to cause them to be read openly each year.

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NOTE.—All the acts before noted as having been re-enacted in 1653, and which were originally published in the Book of Revised Laws, are here omitted—except such as have been materially altered.

## GENERAL LAWS.

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1659.

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Acts and orders of Court made and concluded the seaventh of June 1659.

Books of Quakers to be seized.

Forasmuch as many psons are greatly corrupted with the Quakers doctrines by reading their bookes writings or epistles which are sent and distributed into sundry places within this Jurisdiction ; It is therfore enacted by the Court and the authoritie therof that encase the Cunstable or Grandjurymen or Marshall shall finde or heare of any Quakers bookes epistles or writings hee shall seize on them and p<sup>r</sup>sent them to a majestrate or the next Court.

Towns to pay their grand jurors.

Wheras the grand enquest is a place of great trust and concernment in the Comon wealth ; in discharge wherof is required expence of time and charge ; It is therfore enacted by the Court that the severall townes of this Jurisdiction shall pay their grandjurymen towards their expence of time and charge att three Courts two shillings and sixpence a day and nothinge att election Courts and that onely fitt and able psons bee chosen for that service.

Magistrates freed from rates in certain cases. Repealed June 14, 1660.

It is enacted by the Court that the Majestrates shalbee henceforth freed from all publicke rates as respecting the Majestrates table Clark and Marshalls wages.

Horses taken up and adjudged the colony's, how disposed of. Repealed June 14, 1660.

It is enacted by the Court that such horses and mares as shall appear to bee the Countreyes by order of Court the one halfe of them shalbee the townes where they are taken up the due charge being taken out of the said halfe and the other halfe to bee the Govrnors then in being.

No fine to be exacted of such Quakers as shall leave the colony within six months.

It is enacted by the Court that a proposition bee made to the Quakers that such of them as will promise and engage to remove their dwellings out of this Govrment within six monthes after this present Court and pforme it ; that noe fine bee exacted of them as soe engage ; and such as whose estates are soe impoverished as they are disabled to remove they shall have som supply made them out of the Treasury to heelp them.

It is enacted by the Court that whatsoever pson or psons shall frequently absent or neglect upon the Lords day the publicke worship of God that is approved of by this Govrment shall forfeite for every such default ten shillings. [The two lawes respecting this particular made in 1651 were repealed both of them this court 1659.]

Penalty for frequent absence from public worship.

It is enacted by the Court that when high waies are wanting in any towneshipp of this Jurisdiction that there the next Majestrate unto such Townshipp shall impannell a Jury for the laying out of such ways as shalbee found by them convenient.

Magistrates may empannell juries to lay out high-ways.

It is enacted by the Court that every Cunstable of this Jurisdiction shall have a Cunstable staffe wherby to distinguish them in their office from others and to bee provided by the Treasurer and to bee delivered by the forgoing Cunstable to him that succeeds yearly.

Constables required to have staffs.

It is enacted by the Court that a proposition bee made unto the severall townshippes of this Jurisdiction whether in respect unto the repealing of such lawes as were made in March 1657 and June 1658 and September 1658 they shall thinke it meete to summon the whole body of freemen to come together; that soe the minds of the major pte of the freemen may be knowne aboute the premises and to send their minds to the next October Court.

Proposition respecting the summoning the freemen together, submitted to the towns. The vote on this proposition was 63 in favor of, and 111 against it.

It is enacted that the law respecting the oath of fidelitie shall stand in full force onely that it shall be in the power of the majestrates to metegate the execution therof to such as are or shall appeer to bee low in their estates.

Magistrates may mitigate the penalty for not taking the oath of fidelity.

It is enacted by the Court that all sentences and censures that shall fall out to bee inflicted by the under Marshall viz. whipping stocking stickmatizing or puting to death bee shall bee payed for the same by the Country out of the Treasury. [The law about the under Marshalls pay made 1658 is repealed.]

The under marshal to be paid by the colony.

It is enacted by the Court that such as stay drinking or tipping wine or strong drinke abusively in any house of any towneshipp of this Jurisdiction the constable or grand jurymen of the towne are heerby authorised to make enquiry into such abuses and finding any to transgresse to warne them or cause them to bee warned to the Court to answeare for their misdemeanors therein.

The constable or grand juror may warn such as tipple wine, &c., to the court.

It is enacted by the Court that three men bee nominated in the votes for choise of Commissioners that soe in case of the fayleing of either of the first nominated in the votes by reason of some evident hand of God impeding them then the third nominated to supply his place.

Three persons to be nominated for Commissioners.

Whereas complaint is made that the Indians in severall ptes of this Jurisdiction living in remote places from any townshippes have

Indians may impound horses and hogs in certain cases.

received great damage by the horses and hoggs of the English: It is enacted by the Court that it shalbee lawful for the Indians soe enoyed by the horses or hoggs of the English whoe live remote from any towne to bring such horses or hoggs to the pound in the next township and there to bee kept till the owners take a course to satisfy the damage; and such Indians to have twelve pence a peece for horses and six pence a peece for hoggs; if they bring them above eight miles; and alsoe that if any neat Cattle shall treaspas the Indians; it shalbee lawfull for them to impound them that soe thay may have reasonable satisfaction.

Fees of under marshal for commitment and discharge.

It is enacted by the Court that the Under Marshall shall have of any prisoner comitted to his charge two shillings and six pence for Comitment and two shillings and six pence for his release and one shilling and sixpence a day for the time hee keeps him afterwards.

This order was repealed att the Court held att Plymouth the 12 of June 1660.

Every town to have a pound.

It is enacted by the Court that every towne of this Jurisdiction shall have a pound to impound Cattle by the next October Court on the penaltie of five pounds for every towne that shall neglect; and a pounder to keep it.

Penalty for a town to neglect obtaining a brand for horses.

It is enacted by the Court that if any towne in this Jurisdiction shall neglect to procure a brand marke by the last of July next for to marke their horses according to order shalbee fined five pounds.

Every owner of horses shall mark them.

It is further ordered that evry owner of horses shall take the first oportunitie to marke and enter their horses according to order and in case any shall neglect soe to doe betwixt this and March Court next shall forfeite five shillings to the towne for such default for every horse found unmarked.

The markes for horses for distinction of the Townes.

For Plymouth a P on the neer buttocke.

Duxborrow a D on the neer buttocke.

Scittuate an S on the neer buttocke.

Taunton a T on the neer shoulder.

Sandwich an S on the neer shoulder.

Yarmouth a Y on the neer shoulder.

Barnstable a B on the neer buttock.

Marshfield an M on the neer buttock.

Rehoboth an R on the neer buttock.

Eastham an E on the far shoulcier.

Bridgwater B on the neer shoulder.

Purchase of lands from Indians.

The Court understanding that some in an under hand way have given unto the Indians money or goods for their lands formerly pur-



chased according to order of Court by the majestates thereby insinuating as if they had dealt unjustly with them It is enacted by the Court that some course bee taken with those whom wee understand—

The record is incomplete.

It is enacted by the Court that the Grandjurymen in each towne of this Government bee warned att Election Courts to make their appearance on the fift day of the weeke.

Grand jurors to appear the fifth day of the week at election courts.

Whereas some have desired and others thinke it meet to pmitt some psons to frequent the Quaker meetings to endeavor to reduce them from the error of their wayes the Court considering the premises doe pmitt John Smith of Barnstable Isacke Robinson John Chipman and John Cooke of Plymouth or any two of them to attend the said meetings for the ends aforesaid att any time betwixt this Court and the next October Court:

Persons allowed to visit the meetings of the Quakers.

It is enacted by the Court that no strong liquors shalbee sould in any place within this Government to exceed in prise three shillings a quart.

No strong liquors to be sold for more than three shillings pr. quart.

#### THE OATH OF THE TREASURER.

You shall faithfully serve in the office of the Treasurer in the Jurisdiction of New Plymouth for this present yeare during which time you shall diligently enquire after demand and receive whatsoever sum or sumes shall appertaine to this Gov'tment; arising by way of fine amersement royaltie or otherwise and shall faithfully improve the same for the use of the Gov'tment and according to order dispose thereof as occasion shall require You shalbee redly to give in a true account unto the Court of your actings in your said office yearly att June Courts Soe healep you God &c.

#### THE OATH OF A GRAND JURYMAN.

You shall true p'sentment make of all thinges given you in charge you shall p'sent nothing of mallice or illwill Your owne Councell and your fellows in reference to this Oath you shall well and truly keep so healep you God.

1660.

Acts and orders made and concluded att the General Court held att New Plymouth the 10<sup>th</sup> of June 1660.

Wheras there hath severall psons come into this Gov'tment comonly called Quakers whose doctrine and practices manifestly tends to the

None allowed to entertain Quakers.  
Repealed June 8, 1661.

subversion of the fundamentals of Christian religion Church order and the Civill peace of this Government as appeers by the testimonies given in sundry depositions and otherwise It is therfore enacted by the Court and the authoritie therof; that noe quaker or p.son commonly soe called bee entertained by any pson or psons within this Govrment under the penaltie of five pounds for every such default or bee whipt; and incase any one shall entertaine any such pson ignorantly if hee shall testify on his oath that hee knew not them to bee such he shalbee freed of the aforesaid penaltie; provided hee upon his first deserving them to bee such doe discover them to the Cunstable or his deputie.

Every Quaker coming into the colony, to be committed to jail.

It is alsoe enacted by the Court and the authoritie therof that if any Rantor or Quaker or pson comonly soe called shall come into any towne within this Government; and bee apprehended by the Cunstable or any other, they shall bring them before some one of the Majestrates of this Jurisdiction whoe shall comitt him or them to the Jayle; and there to bee kept in close durance and to have onely such provision as the Countrey aloweth which is thirpence a day and soe to remaine untill the next Court after their Comittment: and then to bee presented before the Court and by them injoynd directly to depart out of the Govrment; and in case hee or they shall refuse or neglect soe to doe, then that they shalbee publicly whipt and sent out of the Government paying their fees; and forasmuch as the meetings of such persons whether strangers or others proveth desturbing to the peace of this Govrment,

If they refuse to leave the colony, to be whipped and sent out.  
Repealed June 8, 1661.

Penalty for holding or permitting meetings of Quakers.  
Repealed June 8, 1661.

It is therfore enacted by the Court and the authoritie therof that henceforth noe such meetings bee assembled or kept by any pson in any place within this Govrment under the penaltie of forty shilling a time for every speaker and ten shillings a time for every hearer (that are heds of families) and forty shillings a time for the owner of the place that pmitts them soe to meet together; and all such as shalbee found att any such meetings, as are under the Govrment of others as wives children or servants &c. The Cunstable of such a towne where such meeting is shall forthwith carry them either into the stockes or Cage whoe shall remaine there according to the descretion of the said Cunstable, provided if hee put them into the stockes they shall not continew there above two houres if in the winter nor above four houres if in the summer; and if hee put them into the Cage they shall not continew there longer then untill night if in the winter; and not longer then the next morning in the summer; and for all young psons whoe are att their owne dispose and shalbee found att any such meetings that the same course bee taken with them either by puting them into the Cage or stockes.

It is enacted by the Court that there shalbee in the severall Townshipes of this Jurisdiction a Cage erected especially att Sandwich Duxborrow Marshfeild and Scittuate, and that the charge of them shalbee defrayed out of such fines as shall arise, out of the said Townshipes soe that the said charge exceed not three pounds.

Every town to build a cage.

Wheras by a former order of Court all psons were required to give notice to the Cunstable of their severall precincts of all such psons as were knowne to bee foraigne Quakers : Now this p'sent Court doth enacte that it shalbee lawfull for any Inhabitant within this Jurisdiction upon their knowledge ; and having opportunitie to use all endeavors to apprehend all such Quakers and to deliver them to the Cunstable or bring them before the Gov<sup>r</sup> or some one of the Majestrates.

Every inhabitant authorized to apprehend a Quaker.

Wheras wee find that of late time the Quakers have bine furnished with horses and therby they have not onely the more speedy passage from place to place to the poisoning of the Inhabitants with their cursed Tenetts ; but alsoe therby have escaped the hands of the Officers that might otherwise have apprehended them. It is therefore enacted by the Court and the authoritie therof That if any pson or psons whatsoever in this Gov<sup>r</sup>ment doth or shall furnish any of them with horse or horse kind the same to bee forfeited and seized on for the use of this Gov<sup>r</sup>ment ; or any horses that they shall bring into the Gov<sup>r</sup>ment or shalbee brought in for them and they make use of shalbee forfeited as aforesaid ; and that it shalbee lawfull for any Inhabitant to make seizure of any such horse and to deliver him to the Cunstable or the Tresurer for the use of the Countrey.

No person allowed to furnish a horse for a Quaker.

In reference to the putting in execution the order about the House of Correction ; it is ordered by the Court that an adition shalbee erected of fourteen foot longe of equall hight with the prison att the one end therof with two Chennyes in it ; one in the lower rome and the other in the uper rome ; with a yard afore it of about eight foot high made of boards ; and the Tresurer is to take some speedy course for the doing of it ; and that a fitt pson bee chosen by the Majestrates to bee the overseer therof.

Horses brought into the colony by them to be forfeited.

It is enacted by the Court that any one that shall bring in any Quaker or Rantor by land or water into this Gov<sup>r</sup>ment viz. by being a guide to them or any otherwise shalbee fined to the use of the Gov<sup>r</sup>ment the sume of ten pounds for every such default.

House of Correction to be enlarged.

Penalty for bringing any Quaker into the colony.

Wheras some trouble and inconvenience hath arisen by reason that some have bine chosen to the office of Cunstable and have rather chosen to pay the fine formerly amerced for such default then to serve in the said office ; and soe the towne nessesitated to make

Penalty for refusing to serve as constable

a new choise therby putting them to further charge ; It is enacted by the Court and the authoritie therof that if any man being chosen by any Towne in this Govrment to serve in the office of a Cunstable and shall refuse to serve therein shalbee fined the sume of four pounds the one halfe therof to the towne in which they are chosen and the other halfe therof to the use of the Collonie.

Salary of under marshal.

It is enacted by the Court that the Under Marshall shall have twenty nobles more aded to his former wages to bee payed out of the Tresury : and that for the future hee shall not expect any fees for the keeping of any prisoner ; save onely to have two shillings and sixpence for comittment, and two shillings and sixpence for release as formerly.

Penalty for not attending court of election or sending a proxy.

Whereas the Court have taken notice that divers of the freemen of this Corporation doe neither appeer att Courts of Election nor send their voates by proxy for the choise of Majestrates &c. It is enacted by the Court and the autorite therof ; that whosoever of the freemen of this Corporation ; that shall not appeer at the Court of Election att Plymouth in June annually nor send their voate by proxy according to order of Court for the choise of Govr Assistants Comissioners and Treasurer shalbee fined to the Colonies use the sume of ten shillings for every such default, unlesse some unavoidable impediment hinder such in their appearance.

Towns to pay for pikes furnished the military companies.

Whereas the Milletary Companies of this Jurisdiction are entered into a Regimentall Posture and therefore that the use of Pikes is nessasary and some alreddy provided for that end ; It is enacted by the Court that the charge of the said pikes shalbee borne by the townes respectively and that notwithstanding this order that such as exercised with the said pikes shall keep their other armes viz. Muskett &c fix and fit for service.

Penalty for neglecting to present a list of those who do not bring arms to meeting on the Lord's day.

In reference unto the Order of Court concerning carrying of armes to the meetings on the Lords day it is enacted by the Court and the authoritie therof that if any overseer of any Squadron in any milletary Companie of this Jurisdiction that shall neglect to take notice of and present a true list of such as are defective in bringing their armes to the meeting on the Lords day shalbee fined the sume of three pounds to the Colonies use.

Magistrates may determine small offences without a jury.  
Repealed June 9, 1661.

It is enacted by the Court that for matter of ordinary delinquency about penall lawes it shall bee lawfull for the Court of Majestrates to issue the same in point of sensure without impanneling of a Jury for the tryall of the case encase the fine exceed not the sume of ten pounds.

It is enacted by the Court that all Controversies that shall arise

betwixt man and man not exceeding forty shillings shalbee ended by the Magistrates att the Court of Assistants without Impanelling of a Jury for the tryall of the case.

Magistrates may decide controversies for sums not exceeding forty shillings without a jury.

It is enacted by the court and the authorities therof that exery person of the age of discretion which is accounted sixteen yeares whoe shall wittingly and willingly make or publish any lye which may bee pernicious to the publicke weale or tending to the damage or hurt of any particular person or with intent to deceive and abuse the people with false newes or reports shalbee fined for every such default ten shillings, and if the party be unable to pay then to bee sett in the stockes soe longe as the Court shall think meet.

Penalty for publishing falsehoods.  
1653.

It is enacted by the Court that hensforth noe fines due to the Country shalbe payed in Wampampeake.

No fines to be paid in Wampampeake.

Forasmuch as complaint is made that many Indians presse into divers p<sup>tes</sup> of this Jurisdiction ; wherby some of the plantations beginne to bee oppressed by them, It is enacted by the Court that noe strange or forraigne Indians shalbee pmitted to come into any p<sup>te</sup> of this Jurisdiction soe as to make theire residence there ; and for that end that notice bee given to the severall sagamores to prevent the same.

No strange Indians allowed to reside in the colony.

That Duxborrow be eased in the charg about the troop of horse the next yeare.

Duxbury to be freed from the charge for the troop of horse.  
Oct.

The Court have ordered than the law concerning not coming to our meetings that the fines shall not be levied untill the Court shalbee in a capacitie to order otherwise.

The fines for not attending meeting not to be levied until—

It is enacted by the Court and the authoritie therof That all our Courts warrants Soummons and Comands bee all done directed and made in the name of his Ma<sup>tie</sup> of England our dread Sov<sup>r</sup> and alsoe that all Sivill officers and minnesters of Justice within this Jurisdiction to bee sworne is his said Ma<sup>ties</sup> name as alsoe that the oath of fidelitie and all other oathes shall goe in that tenure.

All legal processses to be in his majesty's name.

In reference unto the law prohibiting buying or hiering land of the Indians directly or indirectly bearing date 1643 the Court interprets those words alsoe to comprehend under the same penaltie ; a prohibition of any mans receiving any lands under pretence of any gift from the Indians without the approbation of the Court ; likewise the prohibition of any English to give any powder shott or amunition horses or boates is intended alsoe under the same tearme of indirect selling unto the Indians under the same penaltie.

No person allowed to receive land from the Indians by way of gift or to give them powder, &c.

1661.

Att the Generall Court held att Plymouth the fourth of June 1661,  
enacted as followeth—

All persons to  
take the oath of  
fidelity.

It is enacted by the Court and the authoritie therof that, all psons within this Gov'ment that are att their owne dispose and have not taken the oath of fidelitie shall repaire unto some one of the majestrates of this Jurisdiction to take the said oath; which if they shall neglect or refuse to doe such pson or psons shalbee sumoned to every election Court to make their appeerance theratt; during the time of their abode in this Gov'ment; and if any such pson or psons shall then refuse to take the said oath they shalbee fined the sume of five pounds to the Collonies use.

The marshal or  
constable to ap-  
prehend and whip  
Quakers, coming  
into the colony.

It is enacted by the Court and the authoritie therof That if any pson or psons comonly called Quakers or other such like vagabonds shall come into any towne of this Government the marshall or Constable shall apprehend him or them and upon examination soe appeering hee shall whip them or cause them to be whipt with rodde; soe it exceed not fifteen stripes; and to give him or them a passe to depart the Gov'ment; and if any such pson or psons bee found within the Gov'ment; without their passe or not acting according therunto they shalbee punished againe as formerly; and incase any Cunstable of this Jurisdiction shalbee unwilling or cannot procure any to inflict the punishment aforesaid that then they shall bringe such psons to Plymouth to the under Marshall and hee shall enflit it.

Their meetings  
forbidden.  
Erased in the  
original.

And forasmuch as the meetings of such persons whether strangers or others proveth disturbing to the peace of this Gov'ment It is enacted by the Court and the authoritie therof That henceforth noe such meetings be assembled or kept by any psons in any place within this Gov'ment under the penaltie of forty shillings a time for the owner of the place that pmitts them so meet together or bee whipt; and for all such as are speakers in such meetinges to pay the like penaltie of forty shillings or bee whipt.

George Barlow  
to have liberty  
to apprehend  
Quakers.

It is enacted by the Court That the Marshall Gorge Barlow shall have libertie to apprehend any forraigne Quaker or Quakers in any pte of this Jurisdiction and to bee prosecuted according to order provided in that case.

The owner of a  
house where a  
meeting of Qua-  
kers is held to be  
fined or whipped.

It is enacted by the Court and the authoritie therof that henceforth noe pson or psons shall pmitt any meetings of the Quakers to bee in his house or housing on the penaltie of being sumoned to the gener-

all Court and there being convicted therof shalbee publickly whipt or pay five pounds to the Collonies use.

Wheras there is a constant monthly meeting together of the Quakers from divers places in great numbers which is very offensive and may prove greatly prejudiciall to this Government, and in asmuch as the most constant place for such meetings is att Duxborrow, this Court have desired and appointed Mr. Constant Southworth and Willam Payboddy to repaire to such theire meetings together with the Marshall or Constable of the Towne and to use theire best endeavours by argument and discourse to convince or hinder them; and in case the place of theire meeting should bee changed, the Court desires the above named or any other meet psons to attend them there alsoe.

Persons appointed to attend the meetings of the Quakers.

It is enacted by the Court and the authoritie therof That henceforth noe Summons bee issued forth before the action bee entered and Charges defrayed.

The charges to be paid before summons be issued.

It is enacted by the Court that henceforth all evidences and Testimonies that shalbee produced for the clearing of any case shalbee given into the Court in writing and to bee kept upon the file.

All testimony to be in writing.

Forasmuch as Jurymen for tryall of causes betwixt pty and pte have bine sumoned out of the Towne of Plymouth and other townes neare therunto and that by the frequency therof it hath proved burthensome to such, It is enacted by the Court and the authoritie therof that out of other townes of this Jurisdiction; the most remote excepted as occation shall require there shalbee one man out of each townie required to attend the Courts for such purpose whose name shalbee specified in the warrants that are issued forth to warne the Court.

Jurors for the trial of causes, from what townes to be summoned.

It is enacted by the Court that all stray horses or horse kind that noe particulare pson can make any just profite that they are his or theires shall appertaine unto the Countrey.

Horses to belong to the colony, when no owner can be found.

It is enacted by the Court that all such as take any strays that shalbee found and proved soe to bee they that take them up and give them information consarning them; shall have one pte of three for theire labour therein.

Persons taking up strays shall have one third.

It is ordered by the Court that the rules and wayes to bee observed for the tryall of strays shalbee by theire age markes Couller, &c.

The title to strays to be determined by their age, marks, &c.

It is enacted by the Court that all woulves that shalbee killed by any English in any pte of this Jurisdiction; they that kill them shalbee payed by the townes in whose precincts they are killed; and such Indians as kill any wolves; they shalbee satisfied by the Treasurer.

Bounty on wolves, how paid.

Foreigners not  
to make fish at  
Cape Cod with-  
out leave.

It is enacted by the Court That noe stranger or forraigner shall improve our lands or woods att the Cape for the makeing of fish without liberty from the Gov'ment : and that all such as shall have libertie shall attend such further orders as shalbee given them concerning the same ; and that they shall pay sixpence a kentall for all such fish as shalbee made as aforesaid ; to the Collonies use.

Excise to be paid  
by ordinary  
keepers and re-  
tailers.  
See act of June,  
1662.

It is enacted by the Court and the authoritie thereof That all ordinary keepers or other retaillers of strong waters doe pay an excise of foure pence a gallon for all such liquors as is made in the Collonie and drawne forth and retailed by them, and eight pence a gallon for all such as they shall bring in or have brought in to them from other ptes which they shall draw forth and retaile as aforesaid ; and that when they bring home any Liquors they shall enter it with the Towne Clark before it bee broached on the penaltie of the forfeiture of the third pte of the vallue of what is drawne out before it bee excised.

Excise on oys-  
ters exported.

It is enacted by the Court, that five shillings shalbee payed to the Countrey upon every barrell of Oysters that is carryed out of the Gov'ment, and that the Countrey bee not defrauded hee shall enter them with the Towne Clarke before hee carry them away or else to forfeit twenty shillings p barrell on any carryed away not entered.

Excise on boards,  
planks, &c. ex-  
ported.

It is enacted by the Court that for all boards and planks that shalbee transported out of the Gov'ment three pence a hundred bee payed to the use of the Countrey ; and six pence p hundred bee payed upon barrell staves and heading and eight pence an hundred on hogshead staves and hogshead heading ; and that both boards planck and cooper stuffe bee entered with the towne Clarke before it bee carryed away on the penaltie of the forfeiture of the one third pte of the vallue of what is carryed away not entered.

Duty on iron ex-  
ported.

It is enacted by the Court and the authoritie therof that whosoever shall transport any Iron out of the Gov'ment shall pay unto the Countreyes use twelve pence on every hundred and hee shall enter such Iron as hee carryeth or selleth away with the Towne Clarke on penaltie of forfeiting a third part of the vallue of it to the Countreyes use.

Towns may sell  
the privilege of  
taking such  
whales as come  
ashore for the  
term of three  
years.  
See act of June,  
1662.

The Court having declared by theire voat that in theire Judgments and Consiences the benifitt of whales is yett the Countreyes notwithstanding any thinge formerly done ; have ordered concerning them as followeth viz : That the townes where any shall come on shore may rent them for three yeares att the rate of two hogshead for a fish yearly to bee payed att Boston full and marchantable and that the deputies of those townes doe signify this tender to theire



townes which in case they doe not accept the Treasurer to have power att October Court to lett it to the best advantage to any other that will hier itt and then to allow to such townes where any fish comes on shore, two hogshead out of every fish to any publicke use of the towne on Condition that they suffer any man that heireth it ; freely to cart and try it on their lands and with their wood.

It is enacted by the Court that whosoever taketh any whale on drift att sea without those bounds and limitts alreddy sett : and doe bring them on shore he shall have the one halfe and the Countrey the other halfe ; the Countrey to allow Cash for their p<sup>te</sup> of the Oyle.

It is enacted by the Court that whosoever shall find any whale on shore on the Cape or elsewhere ; that is out of any townes bounds ; and is on the Countreyes bounds or limitts shall alowe the Countrey two hogsheads of oyle cleare and payed at Boston.

It is enacted by the Court and the authoritie therof, that if any man die without will his wife shall have a third part of his land during her life and a third pte of his estate forever.

It is enacted by the Court, that a sufficient man in every town, bee appointed to take up what excise shalbee due to the Countrey whether Iron Tarr boards oysters &c. and that the said men bee under oath and that they shall have power to make serch and what forfeites they find they shall have the one halfe therof : and out of the said excise evidenced to have three shillings upon the pound ; and that they give a just account to the Treasurer the first of November and the first of May annually ; The names of such as are apointed are as followeth.

For Plymouth John Morton.

For Yarmouth Rich. Tayler.

For Duxb: Gorg Partrick.

For Barnstable John Finney.

For Scittute John Turner Jun<sup>r</sup>.

For Marshfield, John Bourne.

For Sandwich Gorg Barlow.

For Rehoboth Willam Carpenter.

For Taunton Willam Harvey.

For Eastham Job Cole or some other the towne shall app.

For Bridgewater John Haward Jun<sup>r</sup>.

Whales taken adrift at sea to belong one halfto the finder and the other half to the colony.

Two hogsheads of oil to be allowed the colony for each whale found ashore out of the limits of any town.

The widow to have one-third part of the real estate during her life, and one-third of her personal estate. 1636.

A person to be appointed to collect the excise in each town. Repealed in June 1662.

Persons appointed.

#### THE OATH TO BEE GIVEN TO THOSE THAT RECEIVE THE EXCISE.

Forasmuch as the Court have seen cause to order an excise to bee layed upon sundry thinges you shall dilligently attend the execu-

tion of all such orders in such case provided ; and both demandaund and receive such sune or sumes as shalbe due to bee payed by vertue of any the said orders ; You shall faithfully keep a true account of all such sumes as you shall therby receive and faithfully deliver up a true account therof unto the Treasurer as hee shall demandaund it ; according to order Soe heelp you God.

THE OATH OF A SEALLER OF MEASURES IS AS FOLLOWETH.

Wheras You are chosen to the office of a sealler of measures for the Towne of &c. You shall during your continuance in the said office truly and faithfully seize and seale all such measures as are att any time brought in unto you for that end ; according to the best of your abillities as exact as may bee according to such standards as are allowed and provided by the Countrey So heelp you God &c.

Duty on tar exported.

It is enacted by the Court that all Tarr that goes out of the Government ; six pence a barrell be payed to the Countrey ; Upon all such Tarr as shalbee made ; on any lands that are within any Township and twelve pence a barrell on such as is gathered on the Countreyes Comons ; and that the same course bee taken for the entery therof before any bee carryed away on penaltie of forfeiting foure shillings a barrell for any so carryed away ; provided that all such Tarr as is made or shalbee made att any time within this instant month of June shall not fall under this order.

Acknowledgement of Charles II.

Whereas we are certainly informed that it hath pleased God to establishd our Sov<sup>r</sup> Lord Kinge Charles the second in the enjoyment of his undoubted right to the Crownes of England Scotland France and Ireland ; and is so declared and owned by his good subjects of these Kingdomes.

Wee therefore his Maties Loyall subjects the Inhabitants of the Jurisdiction of New Plymouth doe heerby declare our free and redy concurrence with such other of his Maties subjects and to his said Maties his heires and successors we do most humbly and faithfully submit and oblidge ourselves forever. God save the Kinge.

June the fift Anno Dom. 1661.

Charles II proclaimed.

The fift day of June 1661 Charles the Second King of England Scotland France and Ireland &c. was solemnly proclaimed att Plymouth in New England in America.

1662.

Wheras there hath bine much controversye occasioned for want of a full and cleare settlement of matter relating unto such whales as by Gods providence doe fall into any pte of this Jurisdiction, This Court doth therefore order for the prevension of any discontent or controversy for the future and for a finall issue and settlement soe farr as in the Court lyeth about the same ; that for all such whales as by Gods providence shalbee cast on shore on any pte of this Govrment or shalbee by any cutt up att sea and brought on shore in the Govrment ; there shalbee for every such fish one full hogshhead of marchantable oyle payed unto the Countrey delivered att Boston by such towns or psons as are interested in the lands where they shall fall or shall see cutt up any fish at sea ; and incase that any fish bee soe considerably torne or wasted that a full quarter pte bee gone ; then to pay but halfe a hogshhead and for such inconsiderable peeces of fish as are lesse than halfe they shall pay nothing ; and for the resedew of such fish or the produce of them as remaines the Countreyes pte being discharged It shalbee freely att the dispose of such Townes where it falls or for the benefett of such as cutt them upp ; if taken or drift without such bounds as have bine formerly sett ; the same being still continewd.

The Court proposeth it as a thing they judge would be very commendable and beneficiall to the townes where Gods Providence shall cast any whales ; if they should agree to sett apart some pte of every such fish or oyle for the Incouragement of an able Godly Minnester amongst them.

Wheras great complaint is made of intollarable abuse in divers ptes of this Govrment by the bringing in of such great quantities of wine and stronge waters by which great excesse is occasioned both amongst Indians and English ; and alsoe to prevent the abuse in trading powder shott and ledd to the Indians ; It is enacted by the Court and the authoritie therof, That whatsoever wine or strong waters powder shott or lead shall be brought into this Govrment by any boate, barge or other vessell or into any plantation by any carrier or wagoner that is knowne to them : the said master Carrier or wagoner shall within three dayes of his arrivall or sooner if it be demanded of him ; give in an Invoice of the same to such pson or psons as the Court shall appoint therunto on penaltie of his forfeiting the vallue of all such

June.  
A barrel of oil to be paid the colony for each whale cast on shore, or found adrift.  
Altered in 1670.

The court recommend that a part of every whale cast on shore be appropriated for the support of the ministry.

Whoever brings into the colony wine, shot, &c., to present an invoice of the same to such person as the court shall appoint.

goods the one third to the Informer and one third to the Collonie, and a third to them that is appointed to invoice and such.

To whom the forfeiture accrues.

Moreover in case any master Carrier or wagoner shall have cause to suspect any such goods may bee concealed in any Cask or sacke amongst other goods ; It shalbee lawfull for him to detaine it under his charge untill hee have enformed the pson or psons appointed to take care therof and authorized ; and incase any shalbee found that hath bine so concealed it shalbee forfeited the one third to the Collonie another third to the master or any other that shall enforme ; and another third to the searcher and that all such psons as shalbee appointed to take Invoice of such goods shall give an accounte into every of the generall Courts that soe they may enquire after and take due course ; for the prevention of such abuse—And this Court doth impower the Majestrates to take such effectuall course against any that they shall find to transgresse in this kind as they may incase of other misdemeanors.

Distillers required to render an account of the quantity distilled.

And further the Court doth require all psons within this Gov'tment that doe or shall still any stronge waters to give in an account unto the pson appointed therunto of their disposall of them both of the quantitie and the pson to whom sold on penaltie of his forfeiting the value of such liquors as hee shall not give in ; a third to the Collonie a third to the enformer and a third to such psons as are appointed to take Invoice therof.

Excise on liquors retailed.

It is enacted by the Court thatt all ordinary keepers or retaillers of strong waters doe pay an excise of four pence a gallon for all such liquors as are made in the Collonie and drawne and retailed by them, and eight pence a gallon for all such as they shall bring in or have brought in to them from other ptes which they shall draw forth and retaile as aforesaid : and that all retailers and ordinary keepers shall twice in the yeare viz : in the month of May and in the month of October ; give in to the Treasurer or his assignes a true account of all such Liquors as they shall bringe in, or shalbee brought in unto them and retailed as aforesaid upon the penaltie of paying a fine of five pounds for any that shalbee brought in and not accounted for as aforesaid.

Retailers to render an account twice a year to the treasurer.

Order about Kenebeck.

Wheras it is given forth that divers are unsatisfyed about the sale of Kenebecke and that opportunitie is lately presented unto us for the having of it againe the deputies havinge considered of the p'mises, and finding noe way p'senting it selfe by the takeing of it againe for the better advantage of the Collonie, have with one consent agreed that they desire not to meddle with it againe but doe ratify the sale therof.

The Treasurer is ordered by the Court to procure a booke of the Statutes of England for the use of the Collonie.

A booke of the statutes of England ordered.

Wheras complaint is made of some ordinary keepers in this Jurisdiction that they doe allow psons to stay on the Lords daies drinking in theire houses in the Intrimes of times betwixt the exercises especially young psons and such as stand not in need therof: It is enacted by the Court and the authoritie therof that noe ordinary keeper in this Govtment shall draw any wine or liquor on the Lords day for any except in case of nessesitie for the releife of those that are sicke or faint or the like for theire refreshing; on the penaltie of paying a fine of ten shillings for every default.

No ordinary keeper to sell wine or liquor on the Lord's day, except—

It is ordered by the Court that the Generall training shalbee once yeare at Duxborrow and another yeare att Yarmouth; that is to say every other yeare for the future att one of those townes; onely this p'sent yeare for speciall cause it is ordered to bee att Plymouth on the third Wednesday in September next.

The general trainings, where held.

It is enacted by the Court that if any one of the foot souldiers of any milletary Companie of this Jurisdiction shall unnecessarily exempt himselfe from appearance att the generall trainings att the time and place appointed except in case of sickness lamenes Countrey busines or the like shalbee fined five shill a day for every day they shall soe neglect in case they cannot give a satisfactory reason therof unto the milletary Comaunder in cheife of that Companie and that all such fines shalbee to the use of the Companie to which the delinquents doe belonge; *and these fines to bee as well for the daies of marching out and home as for the daies of exercise in training.*

Penalty for being absent from the general trainings.

It is enacted by the Court that the whole troop of horse both they and the vounteers aded to them shall have the same libertie that was graunted to those that were the first Troopers viz: to be freed from foot service watching and warding; and likewise theire horses to bee rate free.

The clause in italics was inserted in the margin of the original records in 1664.

The troop of horse to be free from foot service.

Wheras notwithstanding former orders that have bine made for the preventing of wrong done to the Indians by the horses and hoggs of the English; it doth appeer that the Indians living in remote ptes from any townshipes doe sustain much wrong by horses, and that the English likewise may sustaine much damage in theire pticulares thereby; the Court having seriously considered therof and finding some Inconveniency in coming to a generall order about the same; have thought good to propose it to the severall townshipes of this Jurisdiction as a thinge much consarning them that such Townshipes where such wrong is done: doe speedily take some course within themselves about the same either by agreeing with the Indians to

Recommendation to the towns to adopt measures to prevent injury to the Indians from hogs, &c.

healp them to fence their Corn themselves where places are incapable of fencing for want of stuffe or otherwise as shalbee found most suitable to their Condition ; to prevent future Inconveniencies that may come by their neglect of the same.

The former orders about public worship, &c. to be observed.

Whereas the Court have formerly provided against the prophana- tion of the Saboth by unnecessarilly travelling on that day ; and have alsoe provided against the setting up of any publicke meeting without allowance of the Govrment, This Court doth desire that the transgression of these orders may bee carfully looked unto and pvented ; if by any due course it may bee.

The constable to collect all fines not exceeding £5.

It is enacted by the Court that the Cunstable in each Township in this Govrment shall gather in all fines that shall fall within his liberties not exceeding five pounds, and to have two shillings on the pound for gathering of them.

Taxes, how to be assessed.

It is enacted by the Court That all psons lyable to be rated in every Towne of this Govrment be rated according to their visable estate and faculties that is according to their faculties and psonall abillities whether they are in lands ; both meddow lands improved lands or dormand lands appropriated ; or in cattle goods or stocke employed in trading in boates barques &c. mills or other visible estate but for the Incurragement of trafficke That it be order That Barques Catches and bigger vessells may not be rated above halfe their vallue dormond lands both upland and meddow to be rated for every hundred acres according to forty shillings estate ; and if any pson lay downe any pte of his propriety to the Comonage of the Companie there associated together hee shalbee rated but for what quantitie hee keepes his propriety in ; and concerning stockes im- ployed in trading att home in and about the place where hee lives shalbee rated onely for two thirds of such stockes soe improved ; as thus one hundred and twenty pound stocke to be employed in trading shalbe rated for eighty pounds, and soe proportionable.

Concerning Dormond lands that the psons be rated for them in such townshipes as the psons that owne them inhabites.

Selectmen to be chosen, who may hear and deter- mine controver- sies for sums not exceeding 40s.

It is enacted by the Court That in every Towne of this Jurisdic- tion there be three or five Celectmen chosen by the Townsmen out of the freemen such as shalbee approved by the Court ; for the bet- ter managing of the affaires of the respective Townshipes ; and that the Celectmen in every towne or the major pte of them are heerby impowered to heare and determine all debtes and differences arising between pson and pson within their respective Townshipes not exceeding forty shillings ; as alsoe they are heerby impowered to heare and determine all differences arising betwixt any Indians and the English of their respective townshipes about damage done in

Corne by the Cowes swine or any other beastes belonging to the Inhabitants of the said respective townships : and the determination of the abovesaid differences not being satisfied as was agreed, the pty wronged to repaire to some Majestrate for a warrant to receive such award by distraint.

It is further enacted by the Court That the said Celectmen in every Township approved by the Court or any of them shall have power to give forth sumons in his Maties name to require any psons complained of to attend the hearing of the case and to summon witnesses to give testimony upon that account and to determine of the Controversyes according to legall evidence ; and that the psons complaining shall serve the summons themselves upon the psons complained against and in case of their non appearence to proceed on notwithstanding in the hearing and determination of such controversy as comes before them : and to have twelve pence apeece for every award they agree upon.

May issue sum-  
monses in his  
Majesty's name.

It is likewise enacted by the Court that such Indians as plant in any Township of this Jurisdiction ; that they shall ceecure their Corne by sufficient fences from any damage that may come therunto by any Cattle of the English amongst whom they dwell ; and for such Indians as shall plant on their owne land out of the bounds of any township That the English are either to heelp them in fencing their Corne or to satisfy for such damage as shalbe done unto them by their cattle or beastes therein.

Indians planting  
corn in any town  
required to fence  
it.

It is enacted by the Court That all matters of misdemenior that the majestrates shall take cognizance of without p'sentment by the Grandenquest They have full power and determine them by fine or otherwise as the nature of the offence may require as if p'sented.

Magistrates to  
take cognizance  
of misdemeanors.

Forasmuch as noe house of Correction is yett provided in this Gov'ment to receive and punish such as not onely live idley and unprofitably but are not otherwise vicious and wicked in their carryage towards their parents or otherwise, It is enacted by the Court That any two Majestrates of this Jurisdiction haveing examined the case shall have power any offender to be punished by stocking or whipping according to the nature of the offence.

Any two magis-  
trates may deter-  
mine offences  
and punish by  
whipping, &c.

Liberty is granted unto the major to admitt of soe many volunteers into the troop of horse as will make up the number of forty eight ; the Commission officers excepted and all such as continew three years att the least.

The major may  
admit volunteers  
into the troop of  
horse.

1663.

Vagabonds to be  
whipped. 1661.

It is enacted by the Court and the authoritie thereof that if any person or persons shall come into this government that according to the law of England may justly bee accounted Vagabonds, the Marshall or the Constable of the Towne whereunto they come shall apprehend him or them and upon examination soe appearing, he shall whip them or cause them to bee whipt with rodde, so as it exceed not fifteen stripes and to give him or them a passe to depart the government and if any such person or persons shalbee found without their passe, or not acting according thereunto they shalbee punished again as formerly; and in case any constable of this Jurisdiction shalbee unwilling or cannot procure any to inflict the punishment aforesaid, that then they shall bringe such persons to Plymouth to the Under Marshall and he shall inflict it.

No liquors except  
the English shall  
be sold for more  
than six shillings  
a gallon.

It is enacted by the Court that noe liquors bee sold in any pte of this Govtment that shall exceed in prise six shillings the gallon except it bee English speritts.

Penalty for sell-  
ing wine, &c.,  
without license.

It is enacted by the Court that whosoever shall sell any wine or stronge waters in any towne of this Government being not allowed by the Court shalbee fined five pounds to the use of the Collonie.

No ordinary  
keeper to allow  
children or ser-  
vants to buy  
strong liquors.

It is enacted by the Court and the authority thereof that noe ordinary keeper in any towne in this Govtment shall permit any single persons either children or servants under the Govtment of parents or masters or any that are not housekeepers to buy any stronge liquors or wine in their houses or where they have to doe without libertie from their parents or masters, upon the penaltie of paying a fine of five shillings for every default.

#### OF SEARCHING BOATES FOR LIQUOR &c.

Whereas great complaint is made of intollorable abuse in divers pts of this Govtment by the bringing in of soe great quantities of wine and strong water by which great excesse is occasioned both amongst English and Indians; It is enacted by the Court and the authoritie thereof that whatsoever wine or strong waters shall be brought into this Govtment by any boat, barque or other vessel or into any plantation by any carrier waggoner or boates master, they or any of them soe bringing in strong water or wine shall emediately upon their arrival before they break bulke or unload give in an Invoice therof to such person or persons as the Court shall appoint thereunto upon the

All persons bring-  
ing wine, &c.,  
into the colony to  
give an invoice of  
the same.



penaltie of forfeiting all such goods one third to the Collonie a third to the enformer and a third to those that are appointed to invoice and serch ; and in case the goods so forfeited shall appear not to bee the masters of the vessell or the waggoners, the damage that shall acrew to the owners of such goods shal bee made good by the said master or waggoner, and in case any such goods shal bee brought into any towne of this Gov<sup>r</sup>ment by any vessel or waggon, the master or waggoner not knowing thereof ; That then the forfeiture therof shall fall upon the owner of such said goods and in case any such goods shal bee in any man's custody that is not invoiced, they or the value of them shal bee forfeited as aforesaid ; and in case any master of a vessel or a waggoner shall arrive att such time as the persons appointed to invoice them are not att home That then it shalbee sufficient notice given if the said master or waggoner leave a note thereof att the house of the said person deputed with his wife or some other of discretion in his family ; and in case any master carrier or waggoner shall have cause to suspect any such goods may be concealed in any caske or sacke amongst other goods ; it shalbee lawful for him to detain it under his hand untill hee have enformed the person or persons appointed to take care thereof in whose power it shalbee to open and serch the same ; and in case any shalbee found that hath bine so concealed it shall be forfeited one third to the Collonie one third to the master and another third to the sercher ; Moreover all such as are appointed to invoice such goods are authorized by the Court to serch any man's boate house or waggon for such goods as occasion shall require and in case any shall be found that hath bine so concealed, It shalbee forfeited as aforesaid and that all such persons as shalbee appointed to take invoice of such goods shall give an account unto every of the Generall Courts, that so the Court of Majestrates may as they shall see cause enquire after the orderly dispose of such wines or strong liquors wherein if they have not a satisfactory answare they may inflict such suitable penalty by fine or otherwise on such abusive disorderly disposers thereof as they may judge requisitt for remedy of that abuse.

It is enacted by the Court that whosoever shall by pound breach lett out any beast or cattle lawfully impounded shall pay a fine of fifty shillings for every such default.

It is enacted by the Court that noe man shall make any particulare use of any of the Indians lands without leave of the Court.

It is enacted by the Court, that if any Indian or Indians shall be found drunke in any township of this Gov<sup>r</sup>ment : That they be forthwith taken by the constable of the towne and sett in the stockes ; and

When the person appointed to receive the invoice is absent, what notice is sufficient.

All after the words "Generall Courts" was added July 10, 1677.

Penalty for pound breach.

None to use the Indians' lands without leave of Court.

Indians found drunk to be set in the stockes.

that if any liquors shalbee found with the Indians that it be forfeit to the use of the Govrment, and that it shalbee lawful for any man to seize any Indian found drunke or any liquors found with the Indians and bring him or it to the constable to be ordered and disposed of as aforesaid, unless any Indian shall make it appeer that hee hath such liquors according to order of Court. And the said Indians that shalbee sett in the stockes as above said shall defray the charge therof which is two shillings and six pence a time for every of them.

Bounty on  
wolves to be  
paid the Indians  
in wampam.

In reference unto such wouolves as are or shalbee killed by the Indians the Collonie being out of stocke It is ordered by the Court That a p'sele of wampam in the Treasurers Custody shalbe devided and put into the hands of Leiftenant Freeman Leiftenant Hunt and the Treasurer for the paying of the Indians fifteen shillings p<sup>r</sup> head, they bringing their head when the pay is demanded and these men to give an account this time twelve month what they shall disburse on this account ; and if any of them shall disburse more then the peage comitted to them ; then they to be repayed againe either by rate or otherwise.

No new settle-  
ments to be made  
unless by a suf-  
ficient number to  
support public  
worship.

It is enacted by the Court and the authoritie therof concerning the settleing of New Plantations in an orderly way that notwithstanding the graunt of lands to any p<sup>r</sup>ticular p<sup>r</sup>sons incase such lands lye soe remote as the Inhabitants therof cannot ordinarily frequent any place of publicke worship That then noe person be admitted after the date heerof to goe to inhabite upon any such Lands without such a competent companie or number of Inhabitants as the Court shall judge meet to beginne a societie as may in a measure carry on thinges in a satisfactory way both to Civill and Religious respects ; and for the more comfortable carrying on therof : It is further ordered that such pson or psons as shall have the graunt of such lands about such places and will neither att the p<sup>r</sup>sent live on them themselves nor sell nor lett them to others that would : that then such lands not yett inhabited att the begining or progresse of such societies shalbe lyable to be rated in some meet proportion towards the defraying of such nessesary charges as shall arise either on civill or religious respects as abovesaid especially respecting an able godly minnester in such place or places :

Vacant lands,  
when taxed.

Lands in Sacon-  
eesett, &c. to be  
taxed for the  
support of public  
worship.

Alsoe for such places alreddy begun with an inconsiderable number viz : Saconeesett Acushenett &c that it bee comanded unto them to apply themselves in some effectuall way for the increase of their number as they may carry on thinges to better satisfaction both in civill and religious respects especially that they indeavor to procure an able Godly man for the dispensing of Gods word amongst

them ; and for their quickening and Incouragement therein, this Court doth order That all such lands as are within their respective places though not inhabited shalbee lyable to be rated in some measure of proportion for the defraying of such charges as shall necessarily arise concerning the premises :

And for the quickening and Incouragement of the well affected in the towne of Sandwich or any other plantation within this Gov<sup>t</sup>ment whoe shalbe active this way ; this Court takeing into their serious consideration the great need therof in every plantation as to the propagation of the Gospell and flourishing of religion the great and knowne end of our transplanting into these ptes of the world as alsoe of the graunt of competent quantities of lands to the respective plantations ; and therefore according to their duties incombent on them ; doe heerby declare their reddiness to assist such well affected as afforsaid ; by puting forth their power wher ther shalbe need for the raising of comfortable and competent maintainance for such able faithfull men as shalbee procured in such Townships and make it their worke to attend upon the minnistry of the word of God amongst them ; from all such respective Inhabitants as shall inhabite any such lands according to such former order as by the Court is already provided in such case.

The Court express their readiness to aid new plantations in the support of public worship.

It is proposed by the Court unto the severall Townships of this Jurisdiction as a thinge they ought to take into their serious consideration That some course may be taken that in every towne there may be a Schoolmaster sett up to traine up children to reading and writing.

Recommendation to the towns to adopt measures for the support of schools.

It is enacted by the Court and the authoritie therof that all ordinary keepers or retaylers of strong waters doe pay an excise of six pence a gallon for all such liquors as are made in the Collonie and drawne forth and retailed by them and twelve pence a gallon for all such as they bring in or have brought in unto them from other ptes and eight pence a gallon for all wine that shalbe brought in and retailed as aforsaid and that those that are appointed in each towne to looke after the law concerning excessive bringing liquors into the Gov<sup>t</sup>ment shall alsoe take up the excise ; and to have two pence a gallon for all liquors destilled in the Gov<sup>t</sup>ment and four pence a gallon for all such as shalbee brought into the Gov<sup>t</sup>ment and two pence a gallon for all wine that is brought in and retailed as aforsaid and that all such retailleurs or ordinary keepers shall make payment of the said Excise unto those that are appointed to receive it ; att the same time that they bring in such wine or liquors or that it is brought in unto them ; or give a bill under their hand for the payment therof

Excise on liquors. 1661.

in some short time after ; upon the penaltie of paying a fine of five pounds for any that shalbee brought in and not excised or securitie given for the payment therof as aforesaid ; And if any one chosen shall refuse to serve hee shalbee fined forty shillings to the use of the Collonie.

Receivers of the  
excise.

The names of the Receivers of the Excise in each Towne.

Plymouth	John Morton	Barnesta.	Henery Cobb
	William Harlow		Nathaniel Bourne
Duxbur.	Benjamin Bartlett	Marshfield	John Bourne
Scittuate	Edw. Jenkins		
	John Daman	Rehoboth	Leiftenant Hunt
Sandwich	James Skiffe		Richard Bullocke
	Thomas Tobey		
Taunton	James Walker	Eastham	John Done Junr.
	Francis Smith		Willam Walker
Yarmouth	Mr. Hawes	Bridgwater	John Willis.
	Rich: Tayler.		

Towns may  
choose agents to  
examine the  
Treasurer's  
account.

Wheras the Towne of Scittuate preferred a petition to this Court requesting that the Treasurers accompt may be more p'ticularly sent to the severall Townshipes of this Jurisdiction : The Court have ordered That henceforth att every election Court ; any of the Towns aforesaid may if they please to send any meet p'son to joyne with others to take the Treasurers accompt ; and soe to acquaint theire respective towns wherwith in as p'ticular a manor as may be ; which we hope may satisfy.

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1664.

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At the Generall Court of election held att Plymouth the 8<sup>th</sup> day of June 1664.

An address voted  
to his Majesty  
for a confirma-  
tion of the Pa-  
tent.

The body of freemen of this Corporation being assembled it was agreed and voated by them that an addresse shalbee made unto his Matie for the further confeirmation of our Pattent with as much conveniency as may bee ; and for the management and ordering of matters concerning it both for the raising of moneyes and appointing of men to bee employed therein. The Countrey have refered the same to the Court of Majestrates and deputies.

The body of the freemen of this Corporation being assembled in Court ; have ordered ; and doe heerby declare theire resolutions to maintaine theire just rightes which for many yeares they have bine possessed of in all those lands from Cape Codd to Saconett point with Pochassett Causumsett and the lands about Rehoboth to Patucket River and as far up the said River till wee meet the Massachusetts line which crosses the said River and thence to Coahassett as the line runs.

Resolve to maintain their rights to their lands.

And that incase any pson or psons bee seated or shall seat themselves within any the said lands or cause any cattle to bee brought within the said bounds or otherwise acte to our Treaspas without leave from this Gov<sup>t</sup>ment and not withdraw after warning given them ; that then some effectual course be taken for the removall of them.

Persons coming upon them without leave to be removed.

And for that end it was likewise voated by the said Court that letters should bee directed from this Generall Court to the Gov<sup>r</sup> and Councell of Road Island for the asserting of our just rightes as aforesaid ; and that they would imploy theire interest over such to reclaine them as have thrust in upon us neare to Pochasett or elsewhere.

Letters directed to be sent to R. Island for the purpose of asserting their rights.

This Court takeing notice that there is a very great defect of appearance att the Generall trainings and that hitherto nothing hath bine done effectually in reference unto the troopers for the gathering of theire fines ; This Court doth order that such fines as are by the troop settled for defect of appearance att any Generall Training that upon an order from the Major or the Captaine of the Troope the Constables of such Townes where any such defects are, shall forthwith collect the fine in some good and current pay and soe much besides as may transport it unto the Clarke or some place that hee shall appoint for the receiving of it.

Constables directed to collect military fines, when ordered by the major or captain.

It is alsoe enacted by the Court that noe Trooper whilst hee stands listed in the Troope shall att any time put away or dispose of his Trooping horse unlesse hee have some other horse that is approved by some of the Comission officers of the Troop on penaltie of double the fine of non appearance.

No trooper permitted to dispose of his horse.

Moreover it is enacted by the Court That sufficient warning being given of a generall muster ; noe busines or occations by sea or land ; if in the Countrey shall excuse non appearance theratt ; nor any thinge but sicknes lamnes or Countrey service.

No excuse for non-appearance at the general muster to be allowed, except—

Wheras the Clarke of each milletary Companie of this Jurisdiction is required to gather in all fines which are or shalbee belong to theire Companie. It is enacted by the Court and the authoritie therof That incase any shall refuse to pay any such as are or shalbe

Military fines, how collected.

orderly amersed. That the said Clarke is heerby authorized by des-  
tresse to levy all such fines by vertue of his said office without any  
further order.

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1665.

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Acts and orders made and concluded by the Generall Court of  
Majestrates and Deputies assembled at Plymouth the eleventh day  
of October 1665.

The Governor to  
have £50 salary.

Wheras in regard of the remoter distance of our honored Gov<sup>r</sup> his  
former habitation and being the Countrey saw reason to desire and  
request his removall unto the towne of Plymouth for the more con-  
venient administration of Justice; and that by God's Providence  
hee is now removed to his great Inconveniency and detriment;—  
This Court have ordered and doe unanimously agree to alow unto  
him the sume of fifty pounds p annum soe long as hee shall remaine  
in the place of Gov<sup>r</sup>. And wheras hee is resident in a place pur-  
chased by the Countrey for that end This Court have likewise or-  
dered that incase hee shall decease att any time while hee is in the  
place of Gov<sup>r</sup> and inhabiteing the said seat or being; that then his  
family shall and may without molestation continew in the said place  
or seat for the full tearme of one yeare after his decease att the least;  
and likewise that incase there should bee any alteration that any other  
should bee chosen to the place of Gov<sup>r</sup> whiles hee liveth that hee  
shall and may notwithstanding remaine in the said place without  
molestation for the full tearme of one year after such alteration at  
the least.

The old magis-  
trates to be al-  
lowed £10 per  
annum, &c.  
Repealed July 5,  
1667.

In reference unto the more comfortable carying on of Gov<sup>r</sup>ment  
It is enacted by the Court that the Countrey proceeding on in their  
election of Assistants as formerly; such of the old majestrates as  
shalbee chosen that they bee allowed each ten pounds a yeare and  
the charge of their table defrayed soe many of them as shall serve  
in that place;

New magistrates  
allowed the  
charge of their  
table.  
Repealed July 5,  
1667.

And for such as shalbee chosen that have not formerly served that  
they bee allowed onely the charge of their table.

Penalty for re-  
fusing to serve.  
The allowance  
to the magistrates  
to be paid in spe-  
cie, &c.

And incase any shalbee chosen and shall refuse to serve hee shal-  
bee fined five pounds to the use of the Collonie.

It is enacted by the Court that both that which is allowed for the  
charge of the Majestrates Table and likewise that which is allowed  
them by way of sallary shalbee transferred into the custody of the

Treasurer and that which is to bee for the charge of their Table it bee payed in speeye according unto former order concerning the same, and wheras the sune of five pounds therof was formerly to bee payed in money to the Treasurer as pte of the said pay; that this yeare the said five pounds bee payed in money to be raised out of the oyle that shalbee due to the Countrey; and the Treasurer to make up the said five pounds upon account in other pay in leiw therof unto the Countrey.

It is enacted by the court that such as shalbee sentenced by the Court to pay any fine to the Country shall give sufficient securitie unto the Treasurer for the same before hee depart the Court and in case hee refuse shalbee comitted untill hee soe doe.

Persons sentenced to pay a fine to give security for the same before they leave the court.

It is enacted by the Court that any pson that shalbee supenaed to appeer att the Court as a Witnes in a case shalbee payed two shillings and sixpence a day.

A witness to have 2s and 6d per day.

It is enacted by the Court that a Constable bee allowed twelve pence for the serveing of a summons; and two shillings and six pence for an attachment.

Constable to have 12d for the service of a summons &c.

Wheras complaint it made unto the Court of great abuse in sundry townes of this Jurisdiction by psons their behaving themselves prophanely by being without dores att the meeting house on the Lords daies in time of exercise and there misdemeaning themselves by jesting sleeping or the like; It is enacted by the Court and heerby ordered that the Constables of each Township of this Jurisdiction shall in their respective townes; take speciall notice of such psons and to admonish them; and if notwithstanding they shall psist on in such practices that hee shall sett them in the stocks and incase this will not reclaime them that they returne their names to the Court.

Persons staying out of the meeting-house in time of divine service to be set in the stocks.

It is enacted by the Court that what Comissions have bine formerly graunted by the Court to any to purchase land for the Countrey bearing date above twelve monthes from this psent Court; bee called in and bee of none effect as to future improvement.

Commissions to purchase land of twelve months date to be void.

It is enacted by the Court That in every Township within this Govrment there bee two sufficient woulfe trapps made betwixt this date and the first of March next and to bee constantly baited and dayly attended upon the penaltie of five pounds on each Townshipp as are neglegent and defective therein to bee payed to the Collonie.

Two wolf traps to be set in each town.

It is enacted by the Court that noe master of a family shall make or cause to bee made within this Govrment above the number of sixteen barrells of Tarr for this following yeare under the penaltie of three shillings p barrell forfeite to the Collonie; and every single pson is heerby prohibited from makeing any Tarr directly or indirectly for

No master of a family to make more than 16 barrells of tar.

Warrant of C. Towne.

May, 1906

this following yeare under the aforesaid penaltie ; and this order to take place from the first of March next ensueing the date heerof.

The order about the selling of powder and shot repealed.

The order prohibiting the selling of Powder and Shott to the Indians is repealed.

Excise to be paid on all liquors brought into the colony or the same shall be forfeited.

Foras much as that notwithstanding all former orders abuse by strong liquors ; there is great quantities brought in ; to the great prejudice of the Govrment—It is by this Court further enacted as an addition to former orders respecting Liquors That all strong waters that are brought into this Collonie by private psons or for their use shalbee excised as well as what is drawne in publicke houses ; and for the Incurragement of such men as in each Township are or shalbee appointed to serch or enquire after abuse or breach of order respecting liquors the Court doth allow unto them the one halfe of all such forfeitures and confiscations as shall arise in that towne by any breach of order respecting the same and the like allowance shalbee made to any other that shall discover such abuse and that they may more carefully attend their charge the Court doth require them to take oath to bee faithfull and carefull respecting the premises.

One half of the forfeiture to accrue to the informer.

Any person may seize any liquors in the possession of an Indian, &c.

Wheras it is prohibited for any to sell trad or give liquors directly or indirectly to the Indians ; the Court conceiving that if any Indian or Indians have any ; that they must have it in some eregular way ; This Court therfore orders That if any man either English or Indian shall find any Indian or Indians haveing or carrying any liquors It shalbee lawfull for him to apprehend the said Indian or Indians and seize on the said liquors as stollen goods untill the said Indian or Indians make it justly appeer before some Majestrate or the Selectmen of that Township of whom and wher and how they had the same, and for their paines that any expend in the premises they shalbee allowed the one halfe of the said liquors soe apprehended or the vallue of it.

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## 1666.

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Actes and orders made and concluded the seventh day of June Ann<sup>o</sup> Dom. 1666.

Rates when and how they are to be paid.

It is enacted by the Court and the authortie therof That the warrants bee issued out yearly from the June Courts for the bringing in of the rates for publicke charges of the Countrey ; and the severall summes to bee delivered to the Treasurer or att Boston or att Plymouth as hee shall appoint ; by the first weeke of November and the



Constables to have the receipts by the foremencioned time ; and each Constable is heerby impowred to presse boates or Cartes with oxen or horses ; and the boates Cartes oxen and horses to bee payed for fraighting and carriage according to the ordiuary prise for carrying goods or corne upon other occations for their neighbours and for the kinds of pay to accomplish this designe for the Countreyes occasions the one third pte is to bee in wheate or porke or both one other third pte in barley or butter or both and the other third pte in beife Indian Corne pease or rye or any of these or some pte in Tarr provided it exceed not a third pte of the last third.

It is enacted by the Court and the authority therof That all debtes shalbee payed in the speeche for which a man doth agree and that all damages which shall arise according to the Judgment of the Court upon occasions of debt defamation or treaspas shalbee payed in any good current Countrey pay at prise current.

Debts shall be paid in the speeche for which agreement has been made.

It is enacted by the Court and the authoritie therof that henceforth nothing bee entered upon the Record of the Court respecting lands in reference to exchanges morgages leases or other conveyances but such as shalbee under hand and seale before witnesses and that all such deeds be exhibited to a majestrate according to order and that the said Majestrate endorse thereon and the same alsoe to bee entered and noe other.

No deeds, mortgages, &c., to be recorded unless executed before witnesses and acknowledged before a magistrate.

It is enacted by the Court and the authoritie therof That all sales g— exchanges leases morgages or other conveyances whatsoever of any houses or lands heerafter made or to be made which shall not be acknowledged within six months after the makeing therof before the Gov<sup>r</sup> or some one of the Assistants shalbee accounted null and void in law ; except such lands as by the will or testament of any man disposed which may not have convenient oppertuniie of acknowledgiment therof befor a Majestrate.

All conveyances of land, not acknowledged before the Governor or some of the assistants within six months from date to be void except—

It enacted by the Court and the authoritie therof that there shalbee but three Courts in the yeare for the tryall of causes by Jury viz. The first Tusday in March the first Tusday in July and the last Tusday in October annually ; alwayes provided it shalbee lawfull on speciall occations which shalbe judged of by the Gov<sup>r</sup> and two of the Assistants for any either of our owne Collonie or others to purchase a Court in the Interems of time betwixt the said Courtes ; and that there shalbee att every such Court the Gov<sup>r</sup> and three of the Majestrates at the least and that henceforth there shalbee noe Courtes of Assistants except the Gov<sup>r</sup> on speciall occasion shall see reason to summon such a Court ; and it is further enacted by the Court that all tryalls under forty shillings shalbee tryed by the Selectmen and that none under forty shillings shalbee tryed att the aforsaid

Three courts to be held each year for the trial of causes, but other courts may be held in the interim if necessary.

To be held by the Governor and at least three magistrates.

Selectmen to try cases under forty shillings.

Courtes except incases of appeale from any of the respective Townes.

One or two selectmen whom the court shall appoint may administer oaths and grant executions in certain cases.

It is enacted by the Court and the authoritie therof That one or two of the selectmen whom the Court shall appoint in each Township of this Jurisdiction bee heerby impowered to adminnester an oath in all cases comitted to them as alsoe to graunt an execution for such psons as neglect or refuse to pay theire just dues according to the verdicte of the said psons ; and that the said Selectmen in every towne bee under oath for the true pformance of theire office ; and if any pson finds himselfe agreived with the verdict of the said Selectmen ; Then they have theire liberty to appeale to the next Court of his Ma<sup>tie</sup> holden att Plymouth provided that forthwith they put in Ceuritie to prosecute the appeale to effect and alsoe enter the grounds of theire apeale ; and incase any towne doe neglect to chose and p<sup>r</sup>sent such yearly unto the Courts of Election ; That every such Towne shalbee lyable to pay a fine of five pounds to the Countreyes use.

Appeals allowed.

Penalty on towns for neglecting to choose selectmen.

#### THE OATH OF A CELECTMAN.

You shall according to the measure of wisdom and discretion God hath given you faithfully and impartially try all such cases between pty and pty brought before you ; as alsoe give sumons respecting youer trust according to order of the Court as a Celectman of the Towne of for this present yeare—soe healp &c.

Selectmen to take notice of such as reside in the colony without leave, and to warn such to apply to the court for permission.

It is enacted by the Court That the Celectmen in every Township of this Gov<sup>t</sup>ment shall take notice of all such psons that are or shall come into any of the Townships without the approbation of the Gov<sup>r</sup> and two of the Assistants according to order of the Court and the said Celectmen shall warne the said psons to aply themselves for approbation according to order ; which if they shall refuse or neglect ; the said Celectmen are heerby impowered to require the pson or psons to appeer att the next Court to bee holden att Plymouth and to require Ceuritie for theire appeerance which if any refuse to doe the said Celectmen shall informe the Constable of the Towne where hee liveth which said Constable shall forthwith carry the said pson or psons before the Gov<sup>r</sup> or some one of the Assistants of this Gov<sup>t</sup>ment.

Selectmen required to notice such as absent themselves from public worship and report their names to the court.

Whercas the Court takes notice of great neglect of frequenting the publicke worship of God upon the Lords day ; it is enacted by the Court and the authoritie therof That the Celectmen in each Township of this Gov<sup>t</sup>ment shall take notice of such in there Townships as neglect through prophannes and slothfulnes to come to the publicke worship of God ; and shall require an account of them ; and if they give them not satisfaction that then they retorne theire names to the Court.

It is enacted by the Court that henceforth the Majestrates bee not freed from Countrey rates or charges.

The magistrates to be no longer exempt from taxes.

It is enacted by the Court That noe horse or horse kind shalbee driven or carryed out of any Township of this Govment by any pson or psons that are not of the said towne without the consent of the owner therof under the penaltie of five pounds for every such horse beast.

No horse to be driven out of any town without the consent of the owner.

Wheras complaint is made of the Indians theire stealing of the hoggs of the English and makeing sale of them and conceeling of them by cutting of theire eares &c. It is enacted by the Court and the authoritie therof That henceforth noe Indian shall give any care marke to his swine upon the penalty of the forfeiture of such swine the one halfe to him that shall seize on them ; and the other halfe to the Countrey except hee bringe true testimony where hee had such swine soe marked before a Majestrate or the Celectmen ; and that the Indians have due notice heerof ; and this order to take place from October next.

No Indian shall give any ear mark to his swine.

Memorandum, that the Receivers of the excise in each Township of this Govment are freed from theire office by the Court and that the Treasurer hath liberty to lett it forth in the behalfe of the Countrey.

The receivers of excise discharged. Repealed July 2, 1667.

1667.

Att the 2<sup>cond</sup> session of the Generall Court holden at Plymouth the 2<sup>cond</sup> of July 1667.

It was enacted by the Court That noe pson or psons shall sell any Cyder to any Indian under the penaltie of ten shillings for every such default ; ordin ry keepers excepted for the moderate refreshment of Travellers ; and that none be allowed to sell any Cyder by retaile to any English without lycence on the same penaltie as in like case of selling liquors is provided and that none allow any psons to spend theire time by tippleing of Cyder Liquors &c. in theire houses, and that incase any Cyder be found in the Costody of any Indians it shalbe lawfull for any man to take it away from them.

None except ordinary keepers to sell cider to Indians.

It is enacted by the Court, That fifty pounds yearly be allowed to such assistants as shall for the future be chosen and serve in that place, and the charge of theire Table bee defrayed.

Allowance of £50 per annum and the charge of their table to the Assistants.

In reference to milietary concernments it is enacted by the Court

No single persons under 21 years of age allowed to vote in military affairs.

No fine to be received from fornicators or drunkards till convicted.

Persons whose cattle trespass on the land of the Indians, either to aid them in making fences or to pay damages.

Surveyors of highways to render an account.

Constables, who neglect to bring in rates as directed, to pay damages.

The Indians not allowed to make use of any horses, &c. of the English killed by accident without leave.

No powder or shot to be sold to the Indians.  
Repeated again,  
July, 1669.

A person accused of selling powder, &c. to Indians, may discharge himself by oath.

No lands to be granted for seven years without the limits of any township.

Estates taken by distress for the minister to be de-

that noe single psons under twenty yeares of age either children or servants shall voate as to that accompt or any that are not settled Inhabitants of that place and have taken the oath of fidelitie.

It is enacted by the Court that such as comitt fornication or comon drunkards that noe fine be received from them for their fact untill they have bin convicted therof before the Court unlesse some unavoidable Impediment shall hinder their appearance theratt.

It is enacted by the Court That the Townsmen or p'ticular psons whose horses or any cattle doe treaspas upon the Indians upon their owne lands out of Townships by spoiling their Corn; shall agree with them for the p'sevation therof or to healep them to fence; and incase they shall neglect soe to doe; they shall pay the full damage that shall come by their Cattle soe trespassing.

It is enacted by the Court That whosoever are or shalbee chosen to be surveyors of the highwaies shall att the expiration of the yeare give an account of their actinges about the highwaies to the Selectmen of that Towne.

It is enacted by the Court that such Constables which doe or shall neglect to bring in the rates according to times appointed That whatsoever damage shalbe sustained thereby shalbee payed and made good by such Constable or Constables.

It is enacted by the Court that the Indians be prohibited to make any use of any horses neat cattle or hoggs appertaining to the English which may be waived or otherwise killed by any accident untill they have libertie from the owners of such cattle soe to doe.

The order prohibiting selling of powder and shot to the Indians revived and established.

It is enacted by the Court, That incase any Indian or Indians shalbee found to have any powder or shott arnes or liquors and will or doth affeirme that they had it of this or that pson of the English; if the said pson shall upon his oath testify and affeirme That hee or shee hath not sold given or heelped the said Indian or Indians unto the said powder or shott or liquors they shalbe accompted to bee free and cleare of the said fact or otherwise to be rendered guilty and to be proceecuted accordingly; and this tryall to be before either a magistrate or one of the Celectmen of the Towne appointed to give an oath.

It is enacted by the Court That henceforth noe more lands be grannted to psons without the p'ticulare Townships for the tearme of seven yeares.

It is enacted by the Court That in such Townships where occasion ariseth for the descressing upon the estates of any for the min-

nester such estate soe destressed shall by the Constable of that Towne be delivered to such of the towne as shalbe appointed, and in defect therof to such as by two majestates shalbe ordered to receive it and to dispose of it as they shall see cause.

It is enacted by the Court That the lands which are not as yett bounded betwixt the English and the Indians may be bounded and mutually agreed on by both parties.

It was concluded by the Court that a proposition shalbe made from the Court to the severall Townshipes of this Jurisdiction in reference to a Collection or Contribution to be made towards the defraying of the charge of the printing of the History of Gods dispensations towards N. E. in generall in speciall towards this collonie.

livered to such persons as the towne may appoint.

Boundaries to lands between English and Indians to be fixed by mutual consent.

The Court recommends the townships to make a collection to defray the expense of printing the History of N. England.

1668.

It is enacted by the Court and the authoritie therof that noe knotts be henceforth gathered by any either English or Indians to make tarr of them ; and that noe tarr be made by any either English or Indian within this Gov'm't from the sixteenth day of July next, on the penaltie of the forfeiture of all such knotts or tarr, the one halfe therof to the Informer and the other halfe to the use of the Collonie.

Penalty for gathering knotts or making tar after the 16th of July. Repealed June 6, 1669.

Wheras great complaint is made of great abuse by reason of fishermen that are strangers who fishing on some of the fishing ground on our coast in Catches dresing and splitting theire fish aboard through theire Garbidg overboard to the great anoyance of fish which hath any may prove greatly detrementall to the Countrey ; it is ordered by the Court that something be directed from this Court to the Court of the Massachusetts to request them to take some effectuall course for the restraint of such abuse as much as may bee.

Massachusetts requested to use means to prevent strangers from fishing on the coast of the Colony.

It is ordered by the Court that there shalbe a Generall Training of both horse and foot att the Towne of Plymouth in the second weeke of October 1669 and once in three yeare for the future, the places to bee att Plymouth Taunton and Yarmouth successively that is to say this first att Plymouth as aforesaid the second att Taunton and the third att Yarmouth att the time of the yeare above mentioned and that every fierman be provided with two pound of powder against the time appointed to be improved in the said expeditions and exercises att the Townes charge.

A general training ordered once in three years.

An acte for the prevention of the diversion of the execution of Justice by fraud or coven ;

Where estate] cannot be found, the body may be arrested on execution.

That where an estate cannot be found to satisfy any fine or mult due unto the Countrey or to answere a judgment obtained against any psons att the pticulare suite of any ; The pson of any soe fined or cast in law shalbe ceured to be responsible therunto.

None allowed to purchase lands of the Indians at Mount Hope, &c.

It is ordered by the Court and the authoritie therof That noe pson neither Inhabitant of this Jurisdiction nor any other shall att any time either by vertue of libertie from the Court to purchase lands of the Indians or upon any pretence whatsoever shalbe suffered to buy or receive in any way of the Indians any of those lands that appertaine unto Mount hope or Cawsumsett necke or any other such neckes or tracts of land as there is a body of Indians upon, and the Court shall judge they cannot live without.

Highways to be forty feet wide.

It is enacted by the Court That all the Kinges highwaies within this Govment shalbe forty foot in breadth att the least.

The towns requested to express an opinion about lands held by doubtful title.

In reference unto the proposition made to the Court concerning the makeing of provision for the Cccuring of such lands as are held by doubtfull title It is refered and heerby presented to the serious consideration of the severall Townes of this Jurisdiction to send in theire Judgments and proposalls concerning the same unto the next Court of Election.

Fees for taking and discharging recognizances.

It is ordered by the Court That wheras the recognizance for the good behavior the fees therof was formerly four shillings the takeing and foure shillings the releasing ; That henceforth it shalbe two shillings and sixpence the takeing and two shillings and sixpence releasing.

1658.

It is enacted by the Court and the authoritie thereof that in case there shalbee occasion for a coroner that the next Majestrate where such accedent falls shill sitt as coroner and execute that office according to Custome of England as neer as may bee

The coroner to view the corpse of such as come to an untimely death.

It is further enacted by the Court as an addition to this order That the Corroner shall psonilly repair unto the place where such accident falls out and view the corpse himselfe unless it shall fall out at soe great a distance of place as he cannot goe or some other inevitable impediment doe hinder ; and in such case the Constable of the Towneship where such accedent falls shall supply his place, and the Corroners enquest to be payed ordinary wages according to the time they are out.

1669.

It is enacted by the Court; That liberty is heerby graunted to the English in this Govment to sell horses to the Indians; provided every horse soe sold be brought to the Towne Clarke of that Towne where he is sold and ten shillings in money and deliver it to the said Clarke for the Collonies use whoe shall record his marke or markes; and have twelve pence of the said money for his paines; and in case any shall sell any horses to the Indians and neglect soe to doe; hee shall forfeit every such horse or the vallue therof to the Collonies use.

June.  
Horses may be sold to the Indians provided—

It is further enacted by the Court That noe pson within this Govment shall sell or give any mare to the Indians on the penaltie of the forfeiture of every such mare or the vallue therof to the use of the Collonie and that noe Indian shalbe suffered to keep any mare in this Collonie on like penaltie of the forfeiture of every such mare or the vallue therof to the Collonies use.

July.  
No mares to be sold to the Indians or kept by them.

It is enacted by the Court and the authoritie therof that none shall sell wine liquors Cyder or beere by retaile in this Collonie except they have a license and to pay for their lycence according to the Capacitie of the place where they live viz.

None to sell wine, &c., without a license.

The one halfe of these sumes to be payed in money.					
Plymouth, -	-	-	-	-	10. 00. 00
That is to say James Cole Senr.	-	-	-	-	08. 00. 00
Thomas Lettice	-	-	-	-	02. 00. 00
Duxborrow	-	-	-	-	01. 10. 00
Scittuate	-	-	-	-	02. 10. 00
Sandwich.	The Treasurer hath agreed with Willam Swift.				
Taunton	-	-	-	-	02. 00. 00
Barnstable	-	-	-	-	02. 00. 00
Yarmouth	-	-	-	-	01. 10. 00
Bridgwater,	-	-	-	-	01. 00. 00
Rehoboth,	-	-	-	-	01. 10. 00

Moreover it is enacted by the Court that all such lycenced ordinaries shall not suffer prophane singing daunceing or revelling in their houses on the penatie of ten shillings for every default and that all ordinary keepers be ordered to keep good beer in their houses to sell by retaile and that some one in every towne bee appointed to see that the beer they sell be suitable to the prise they sell it for.

Penalty for suffering profane singing and dancing in licensed houses

No bark, boards,  
&c., to be export-  
ed. Repealed  
June 11, 1670.

It is enacted by the Court and the authoritie therof That noe barke nor board shalbe transported out of this Collonie nor noe kind of timber except it be wrought up in vessells or Caske on penaltie of forfeiting of all the same or the value therof; to the use of the Collonie.

No boards to be  
brought into the  
colony, and none  
to be sold for  
more than forty-  
five shillings per  
thousand.  
Repealed June  
11 1670.

It is enacted by the Court that noe boards shalbe brought into this Collonie and that no boards shalbe sold in this Jurisdiction to exceed in prise five and forty shillings a thousand delivered att the watersyde in the Townshipp where they are Sawen on the penaltie of paying a fine of ten shillings a thousand to the use of the Collonie and this order not to take place until the next October Court.

Selectmen may  
issue warrants.

It is enacted by the Court that some one of the Celectmen of every Towne of this Jurisdiction be heerby impowered to issue forth warrants in his Maties name to arrest or attach any pson or psons or in defect of them theire goods to answare any suite within their Cognizance as occasion may require.

None allowed to  
vote in town  
meetings but free-  
men, or freehold-  
ers of £20 rata-  
ble estate.

It is enacted by the Court that none shall voate in Town meetings but freemen or freeholders of twenty pound ratable estate and of good conversation haveing taken the oath of fidelitie.

All fines under  
ten shillings to be  
paid in money.

It is enacted by the Court that all censures by fine from ten shillings and under shalbe payed in money; and that the fine for fornication be payed forthwith in money or else to be punished with corporall punishment.

Constables to  
serve such execu-  
tions as selectmen  
shall direct them.

It is enacted by the Court that the Constables in every respective Township of this Jurisdiction shall serve such executions as shalbe directed to them by any of the Celectmen of the respective townships.

A father having  
three sons bearing  
arms shall be ex-  
empt from milita-  
ry duty, if the  
council of war  
consent to it.

It is enacted by the Court that whosoever hath three sonnes in his family that beare armes in the Milletary Companie; their father shalbe freed from that service if the Councill of warr or any three of them shall see cause.

No single person  
to live by himself  
or in any family  
not approved by  
the selectmen.

Wheras great inconvenience hath arisen by single psons in this Collonie being for themselves and not betakeing themselves to live in well gov<sup>n</sup>d families It is enacted by the Court that henceforth noe single pson be suffered to live of himselfe or in any family but such as the Celectmen of the Towne shall approve of; and if any pson or psons shall refuse or neglect to attend such order as shalbe given them by the Celectmen; That such pson or psons shalbe sumoned to the Court to be proceeded with as the matter shall require.

All troopers that  
maintain their  
own arms to be  
exempt from the  
town charge for  
drums, &c.

Wheras by order of the Councell of warr the Townes of this Jurisdiction respectively are to find drummes pikes halberts and Coullers att their own charge; It is thought meet and accordingly ordered by the Court that all such troopers as find and maintaine their owne



armes be excused from bearing any charge in such drums pikes halberts and Coullers.

Wheras severall psons liveing out of this Jurisdiction doe possesse severall p<sup>r</sup>sells of land within this Jurisdiction which is out of any p<sup>r</sup>ticular township; It is enacted by the Court That all such land be rated according as other lands dormant or improved to the Countreyes use; viz such as are dormant as other dormant lands and such as are improved as other improved lands within this Jurisdiction.

It is enacted by the Court that a Cercomstantiall error in a summons or warrant shall not be taken as a sufficient ground for a non-suite wher otherwise both the p<sup>r</sup>tie and case concerned therein may be rationally understood.

Concerning the order about the Generall training the latter p<sup>r</sup>te of the order to run thuse; and that every fierman be provided with two pound of powder against the time appointed to be improved in the said expedition and exercises att the Townes charge.

It is enacted by the Court that henceforth noe pson shall have libertie to bring any liquors into this Gov<sup>r</sup>ment for themselves or others to give or sell but such as are licensed; more then for their owne p<sup>r</sup>ticulare use; which shall not exceed six gallons in the yeare and each mans that is soe brought in shalbe distinct in vessells one from another and in case any doe it shalbe forfeite or the vallue therof one third to the Countrey and one third to the informer and one third to those that are lycensed to sell; but if it appear that any man of qualitie whose condition calleth for further expense in his family that then this law shall not reach them; onely this is to be understood that under pretence of this hee shall not give or sell to be carryed abroad except it be soe that the ordinary keepers have none to supply the nessesities of them that are sicke.

It is enacted by the Court that wheras minesters maintainance is to be raised by rate according to order of Court bearing date 1657 which upon neglect is to be taken by distresse as by the said order doth appear; yet for preventing off offence, and if it may be of distresse, This Court doth order; That the Majestrate in each towne where there is any; and the Celectmen or any of them where there is noe Majestrate; be heerby impowered upon notice of default heerin; to summon every such pson or psons to the next Court to answare the said neglect; and incase such pson or psons doe not make out just cause for such neglect they shalbe amerced double the sume proportioned to him or them to the Collonies use to be disposed of by the Court.

It is enacted by the Court that the Constable or his deputie in each

Non-residents to pay taxes for their lands.

A circumstantial error shall not vitiate a summons or warrant.

Every soldier to be provided with two pounds of powder at the town charge at the general training.

None except a man of quality allowed to bring more than six gallons of liquors into the colony each year, unless he is licensed.

Persons neglecting to pay the ministerial tax, to be summoned to the next court. Repealed June, 1670.

Constables to take notice of such as sleep or play about the meeting-house during public service.

Persons riding violently on the Lord's day to be presented to the court.

Penalty for smoking tobacco on the Lord's day within two miles of the meeting-house.

No stoned horse more than two years old and less than thirteen hands high to run at large.

The order about selling powder and shot to Indians repealed.

July.  
Any person having had a right of action for lands for ten years to be forever barred after five years.

None hereafter to make entry upon any lands or commence a suit therefor, after 15 years from the time a right to the same accrued.

respective Towne of this Govtment shall diligently looke after such as sleep or play about the meeting house in times of the publicke worship of God on the Lords day and take notice of their names and returne such of them to the Court who doe not after warning given to them reforme.

As alsoe that unnesseary violent ryding on the Lords day ; the psous that soe offend ; their names to be returned to the next Court after the said offence.

It is enacted by the Court That any pson or psous that shalbe found smoaking of Tobacco on the Lords day ; goeing too or coming from the meetinges within two miles of the meeting house shall pay twelve pence for every such default to the Collonies use.

It is enacted by the Court that none shall suffer to goe att large to feed in any Commons within this Govtment any stoned horse being above two yeares old ; and not thirteen hands high att least from the lower pte of the hooft to the uper pte of the whither ; every hand containing four inches standard measure ; in paine to forfeite the same horse or the vallue thereof the one halfe to the Countrey and the other halfe to him or them which shall seize such horse of lower stature ; soe that first by the assistance of the Constable or Celectmen of any township where such seizure is made or seiziar dwelleth, such horse being by the seiziar first brought to the next pound shall there by such an officer in the p'sence of three sufficient men be measured and found lower then the stature above mentioned ; this order to take place from and after the first of October 1670.

The orders prohibiting the selling of powder and shott and money to the Indians are repealed.

For quieting mens estates and avoiding suites in law It is enacted by the Court and the authoritie therof ; That noe pson or psous haveing had for the space or tearme of ten yeare fully past and expired any right or titles of entercey into or cause of action for any lands teniments or hereditiments whatsoever now detained from him or them shall therinto enter or comence suite for but within five years next after the end of this present session of Court att noe time after.

And that none shall att any time heerafter make any entery into or comence suite for any lands teniments or hereditiments but within fifteen yeares next after his or their right title or cause of action or suite which shall heerafter first descend fall or acrew to the same ; otherwise such title shalbe forever after barred and the pty claiming and his and their heires utterly excluded from entery into the same ; provided neverthesse that if any pson or psous which hath or shall have such right title or cause of action be or shalbe att the time o'

the said right title or cause of action first descended acrowed come or fallen within the age of twenty one yeares feme Covert non compos mentis imprisoned or beyond the seas, then such pson or psons his or theire heires shall or may notwithstanding the said fifteen yeares expired, bring his action or make his entery att any time within five yeares next after his or theire full age discoverture coming of sound mind inlargment out of prison or coming into this Countrey; take benefitt of and sue forth the same and att noe time after the said five yeares.

Except such as are disabled by being within the age of 21 years, feme coverts, &c. who may bring an action within five years after such disability is removed.

It is further enacted by the Court that such pson or psons as have had right or title unto or cause of action for any lands teniments or hereditiments hitherto detained from him or them for the space or tearme of twenty yeares fully past and compleat and neglected hitherto to make his or theire entery or to comence suite for the same or haveing had such right title or cause of action for the space of full tearme of eighteen yeares now past and shall neglect to make such entery into or suite for within the space or full tearme of two yeares next after the end of this p'sent session of Court shall in either of these cases be forever barred excluded and utterly disabled from such entery or suite to be made excepting as in the abovesaid proviso according as by the statute of England made Anno 21 Jacobi Regis Capt 16 Instituted an acte for limitation of actions and avoiding suites in law as in such case provided It haveing bine the usuall manor and costome of this Court to have recourse as much as might be to the Lawes of England in such case wherein there is noe other law provided by this Court more suitable to our Condition.

Persons having had a right of entery for 20 years, and those having had a right for 18 years and do not make such entry within two years, to be forever barred.

Recourse to be had to the laws of England, when no provision is made in the laws of the Colony.

1670.

This being aded to a former order of Court bearing date June 1657 is determined to be the way for raising minnesters maintainance and all other orders respecting the same are heerby repealed;

June.  
Ministers' salary,  
how raised.

For asmuch as it appeereth to be greatly inconvenient that the minnesters should be troubled to gather in the rates for their maintainance; and may be an occation to prejudice some psons against them or their minnistry It is enacted by this Court that att June Courts yearly two meet psons in each Towne be appointed by the said Court unlesse the townes have alreddy provided; whoe shall take care for the gathering in of their minnesters maintainance for

that yeare by inciting of the people to their duty in that respect, demanding it when due and if need be by procuring distraint upon the estate of any that shall neglect or refuse to pay their rates or proportions towards his support according to order of Court in that case provided; and in case any minister shall scruple to receive what is soe raised; it shall nevertheless be gathered as abovesaid, and be disposed as the Court shall order or advise for the good of the place.

Declaration of the court to support public worship in all the towns.

Whereas it hath bine and is the pious care and true intent of this Court that all such plantations and townships as are by them graunted should maintaine the publicke sabbath worship of God and the preaching of the word and doe to that end afford them such proportions of lands as may accomodate such a society as may be able to maintaine the same; and yett through the corruption or sinfull neglect of many or most of the Inhabitants of some plantations they content themselves to live without the minnistry of the word to the great dishonor of God and danger of their soules; there being great reason to feare that many may be acted therein by worldly & covetous principles; It is by this Court enacted that in such Townships where noe minister is resident; especially if it appeers that the generallyty of the Inhabitants are remisse in the obtaining of one the Generall Court may and shall henceforth yearly impose a certaine sume to be raised by rate upon the Inhabitants of such plantations or townships which shalbe kept as a stocke for building of a meeting house or for incurragement of a minister to labour amongst them or other such pious uses as the Court may improve it in for their good.

In towns where there is no settled minister, the general court may levy a tax for the support of public worship.

Fifteen pounds levied upon the town of Dartmouth.

And in reference to the towne of Dartmouth that the sume of fifteen pounds be levied by rate with the Countrey rates upon all the Inhabitants to be in a readines for and towards the uses above expressed.

Penalty for refusing to serve as selectman.

It is enacted by the Court That whosoever being chosen by any Towne of this Jurisdiction to serve as a Celectman in the said Towne and shall refuse to serve in that place shall pay the sum of twenty shillings the one halfe to the Towne and the other halfe to the use of the Collonie; and that the Gov<sup>r</sup> shall choose another to serve in his stead.

No attachment to be granted by the selectmen against a freeman or settled inhabitant.

It is enacted by the Court That there shalbe noe attachment graunted by the Celectmen against any freeman or settled Inhabitant and that there shalbe three Courts of the Celectmen in the yeare; viz. in the month of February in the month of May and in the month of October; and noe other except the Celectmen shall see cause.

It is enacted by the Court that in case of appeal the appellant shall summons the defendant to answer at that Court to which he appeales and shall produce all the testimonies that were made use of at the first tryall of the case under the hand of the Celectmen or any one of them from whence the appeale comes and noe new testimony to be admitted; and the case to be tryed by Jury and if the appellant be againe cast; to pay double damages and all costes and that any one of the Majestrates of this Jurisdiction shall graunt a precept for such an appeal as occasion may require.

Appeals, how  
conducted.

Wheras a former order respecting the issuing of differences between English and Indians seems dubious this Court doth determine That all Injuries complained of arising between English and Indians shalbe brought to issue by the Celectmen in each Townshipe before whom any complaint shall legally appeer; except onely in capitall matters and titles of lands.

Controversies be-  
tween the English  
and Indians to be  
tried before these-  
lectmen except—

For the prevention of the prophanation of the Lords day It is enacted by the Court and the authoritie therof, That the Celectmen of the severall Townes of this Jurisdiction, or any one of them may or shall as there may be occasion take with him the Cunstable or his deputie and repaire to any house or place where they may suspect that any slothfully doe lurke att hom or gett together in companie to neglect the publicke worship of God or prophane the Lords day and finding any such disorder shall returne the names of the psons to the next Court and give notice alsoe of any p'ticulare miscarriage that they have taken notice of that it may be enquired into.

The names of  
such as prophane  
the Lord's day to  
be returned to the  
court.

Wheras the Providence of God hath made Cape Cod comodious for us for fishing with saines; and some careles psons have anoyed the same by casting their ballast neare the shore where such conveniency is; or by leaveing the garbidge of fish or dead fish to lye there roting wherby such anoyace is This Court doth therefore order that whosoever shall treaspas in any of the said kinds of annoyance shall pay the sune of forty shillings to the Collonies use for every such default unto the pson that the Country doth appoint to looke after the same; alsoe this Court doth further order that whosoever of our Inhabitants that draw mackerell on shore there; shall pay to the Collonies use sixpence p. barrell for every barrell soe taken or the quantity that may amount to a barrell; and for every barrell or the quantitie thereof soe taken by any forraigners in the aforesaid place shalbe payed one shilling and sixpence to the Collonies use by the pson or psons that soe fish there and at the begining of any voyage attempted there; the pson or persons soe doing shall att the enterance an the voyage put in suf-

Fishery at Cape  
Cod regulated.

Duty to be paid  
on mackerel  
caught there.

sufficient Securitie unto the pson appointed by the Court under this trust for the payment of the aforesaid sume or sumes.

Thomas Paine  
appointed bailiff.

Thomas Paine is appointed by this Court and impowered as a bayley by land and water to demaund and receive for the Collonies use the abovementioned sumes as they may att any time become due or payable; and to take such Securitie for theire pformance as abovesaid; and is heerby impowered to comaund such aide as hee att any time shall judge requisite respecting the pmisses.

No mackerel to  
be caught before  
the first of July  
except—

Wheras wee have formerly seen great inconvenience of taking mackerell att unseasonable times wherby there encrease is greatly deminished and that it hath bine proposed to the Court of the Massachusetts that some course might be taken for preventing the same and that they have lately drawne up an order that henceforth noe mackerell shalbee caught except for spending while fresh before the first of July annually on penaltie of the losse of the same the one halfe to the Informer and the other halfe to the use of the Collonie; and this order to take place from the 20<sup>th</sup> of this instant June.

Persons living  
within the colony  
committing  
crimes in any  
other colony to  
be punished.

It is enacted by the Court that whosoever haveing comitted uncleanes in another Collonie and shall come hither and have not satisfied the law where the fact was comitted they shalbe sent backe or heer punished according to the nature of the crime as if the acte had bine heer done.

Penalty for giving  
or lending a  
horse to an Indian.

It is enacted by the Court That whereas divers psons seeke to evade the payment of ten shillings for every horse that is sold to the Indians that none shall give lend or liew any horse to any Indian or Indians on the penaltie of paying a fine of ten shillings to the Collonies use.

One witness sufficient  
for a presentment,  
but two or concurring  
circumstances required  
to convict.

It is enacted by the Court That one witnes shalbe sufficient for the Grandenquest to ground a p'sentment on but the ptie not to be condemned without a second wines or concurring cercomstances And that incase any shall publish any matter of a scandalous nature except unto a majestrate or grandjury man; It shalbe accoumpted a defamation actionable.

No evidence except  
in capital cases to be  
used unless it is given  
to a magistrate or  
grandjuryman within  
a year and a day from  
the time it come to the  
knowledge of the witness.

And That in matters p'sentable except Capitall noe evidence shalbe received either by a Majestrate or grand juryman from any pson or psons whoe hath or shall neglect to give in such evidence within one full yeare and a day after his or her knowledge thereof.

A packer of meat  
may be appointed  
in each town.

Wheras divers psons have complained of great wrong for the want of a packer in theire Towneshipe this Court hath ordered and enacted That whatsoever Towne in this Government shall see cause to desire a packer to repacke meat they may p'sent a fitt pson to the

Court or to some one of the Majestrates of this Jurisdiction to be sworne.

It is enacted by the Court and the authoritie therof That it shalbe lawfull on speciall occasion which shalbe judged on by the Govr and two of the Assistants for any either of our own Collonie or others to purchase a Court in the Interems of time betwixt the other Courts and that there shalbe att every such Court the Govr and three of the Assistants att the least ; and that any that shall purchase such a Court shall pay the Jurymen each three shillings a day for soe long a time as they shall attend that servise and beare all other nessesary charges of that Court.

A court may be purchased between terms.

It was att this Court voated and generally agreed on by the Court ; that our Confederation with two Collonies viz Massachusetts and Conecticott shall stand and remaine as it did formerly with three.

Union with Mass. and Conn. renewed.

It is enacted by the Court and the authoritie therof that a Committee be chosen to p'rise all our lawes, and to gather up from them or any other healpers they can gett and compose therfrom a body of Lawes ; and p'sent the same to the next Election Court for a further settlement therof and the charge therof to be bourne and defrayed by the Treasurer. The Committee appointed by the Court were the Govr. the Major and Mr. Hinckley—and Mr. Walley healp to be requested—and if any of the deputies or others shall propose any thinge to this Committee for their consideration when they meet together it shalbe well accepted.

Committee chosen to revise the laws.

Wheras severall psons have bine greatly indangered by seting of Guns It is enacted by the Court and the authoritie thereof that none shall set any guns except in enclosures and that the gun be sufficiently enclosed soe as it be Cecure from hurting man or beast, and that hee that seteth the gun doe give warning or notice therof to all the neighbours on the penalüe of paying a fine of five pounds to the use of the Collonie for every default.

Guns not to be set except in enclosures.

It is enacted by the Court that if there be any psons that will buy all the tarr that shalbe made within this Collonie and will pay eight shillings a barrell for itt in money ; and for every halfe hogshed twelve shillings in money ; they shall have it soe for the tearme of two yeares from the date heerof ; and to receive it att a place appointed in every Township, and it is further enacted by the Court that if any others except those that soe engage to buy all the tarr shall carry or cause any to be carried out of the Collonie within the aforsaid tearme of two yeares they shall forfeite either the Tarr or the vallue therof ; the one halfe to the Collonie and the other halfe to those that are engaged to buy all the said Tarr.

Privilege of making tar may be sold for two years. Repealed June 9, 1671.

Towns destitute of timber to obtain it from other towns within the Colony.

Forasmuch as severall Townes in this Collonie are alreddy much straightened for building timber and through Gods Providence some other Townes are well accomodated to afford them a supply that townes soe straightened be not nessessitated to fech their supplies from another Jurisdiction ; whilst wee have of our owne.

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1671.

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June.  
The eldest magistrate to serve as deputy governor.

This Court have ordered that if God should take away the Gov<sup>r</sup> by death or otherwise deprive us of his healp by absence or other bodily weakness disable him to discharge his place that in such case the next eldest majestrate to serve in the office of a Deputy Gov<sup>r</sup> for this p<sup>r</sup>sent year as the Gov<sup>r</sup> might and ought for to doe.

Ordinary keepers to return to the court the names of such persons as are uncivil in their houses.

For the prevention of great abuse by the excessive drinking of Liquors in ordinaries : This Court doth order that every ordinary keeper in this Gov<sup>r</sup>ment shall be heerby impowered and required : That in case any pson or psons doe not attend order, but carry themselves uncivilly by being importunately desirous of drink when denied, and doe not leave the house when required such ordinary keeper shall returne their names to the next Court ; that soe they may be prosecuted according to the nature of the offence ; and in case any ordinary keeper shall neglect soe to doe he shalbee fined five shillings for every default ; it is further ordered by this Court yt some two or three men be appointed in every towne of this Jurisdiction to have the inspection of the Ordinaries or in any other places suspected to take notice of such abuses as may arise in reference to the p<sup>r</sup>misses or otherwise and make report therof to the Court.

No rum to be sold for more than 5s per gallon.

It is enacted by the Court That noe Rum shalbe sold in this Gov<sup>r</sup>ment to exceed in prise above five shillings a Gallon, or if re-tailed two pence a Gill.

#### THE OATH OF THE WATER BAYLEY.

You shall faithfully serve in the office of Water Bayley in the Jurisdiction of New Plymouth and shall carefully observe such orders of Court as concerns your said office with speciall reference unto the improvement therof att Cape Cod and places adjacent. You shall faithfully discharge the trust imposed upon you in demaunding and receiveing whatsoever shalbe due unto the Collonie by such



fish as shalbe there taken ; and shall seasonably give in a true account therof unto the Treasurer yearly. So healp, &c.

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NOTE.—The laws were again revised in 1671, and printed. This revision constitutes Part III, and of which no manuscript copy was preserved.

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1672.

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Be it enacted by this Court and the authoritie therof That noe timber of any sort may or shall within the tearme of seaven yeares next after the first of November next ensueing ; bee at any time transported or carryed away by land or water out of any Township in this Jurisdiction into any other Jurisdiction ; other than what is first sawne into boards or wrought into shingle or wrought up into Caske boates barques or other vessells of burden on the forfeite of all such timber planke Cooper stuffe bolts Claboard &c or the vallue therof ; the one halfe to the Countrey and the other halfe to the informer if duely proved within twelve months after such transportation made ; and that some meet pson be appointed and authorised by the Court in such Townes as they shall see cause for to take care for the due observation of this order ; and that noe master of any boate or other vessell presume to receive aboard any such timber plancke or Cooper stuffe &c. without first repaireing to such pson appointed and impowered as aforsaid and giving in sufficient Securitie for his unlading and leaving such timber &c in some towne within this Jurisdiction ; the dangers of the seas excepted ; under the penaltie of forty shillings forfeite ; the one halfe to the Countrey and the other halfe to the Informer and Officer appointed as aforsaid ; forthwith to be payed ; And that such master of boate &c. shewing a Certificate from under the Constables hand ; or any of the Celectmen of the Townes where he shall unload as aforsaid, shall free and discharge him from the Securitie given as abovesaid.

June.  
No timber, &c.  
to be exported  
for seven years,  
except—

A person may be  
appointed in each  
town to see that  
the order is car-  
ried into effect.

And that noe barke shalbe transported out of this Jurisdiction under the penaltie and forfeiture as aforsaid.

Notwithstanding the former order concerning the transportation of timber it is ordered, That any pson or psons may transport any timber, out of any Townships that shall grow up on their own particular proprieties, provided that they make it appear to any one of the Celectmen or Constables of the respective Townships by the testi-

Timber may be  
carried out of  
any town by the  
person on whose  
land it grew.

mony of one pson not interested therein ; and that ship carpenters be under the same restraint as others ; and that in defect of any officer neglecting to take notice of the transgression of this order such transgression of the said law shalbe presentable by the Grand Enquest.

July.  
Fish caught at  
Cape Cod and  
shipped on board  
any vessel with-  
out an account of  
of them being  
rendered to be  
forfeited.

The water bailiff  
may seize any  
such fish.

It is enacted by the Court that if any pson or psons that shall att any time heerafter shipp or load on board any fish into any vessell which shalbe caught at Cape Cod but such as hee or they shall give an account off to the water Bayley ; all such fishes shalbe forfeite to the Collonies use.

And that the Water Bayley be heerby impowered to make seizure of all such fish as shall att any time become forfeite and to give an account therof unto the Treasurer or such as shalbe appointed by the Majestrates or any four of them ; to take the said account.

#### TROOPERS.

The troop, how  
regulated.

For the regulating of the troope It is ordered by the Court that they be devided into three Squadrons viz : To the Captaine Leiftenant and Cornett to exercise each Squadron twice in the yeare ; And that they take a list of the troop and see that they keep horses with armes amunition and acoutrements fitt for that service.

As alsoe that every trooper shall provide himself with a fix Carbine or horsmans peece betwixt this and the next election Court ; or return unto the foot Companie where they dwell.

#### AN ORDER DIRECTED FROM THE COURT TO THE COMISSION OFFICERS OF THE MILLETARY COMPANIES OF THIS JURISDICTION AS FOLLOWETH.

GENTLEMEN ;

The Court haveing reason upon the Intelligence wee have received to feare that wee may have trouble from the States Generall of the United Belgicke Provinces or others before the revolution of the yeare : and how soone wee know not ; doe see reason to take notice of what condition our people are in to defend themselves against an enemie and doe therefore heerby require you speedily and very strictly to make serch how youer men are provided with fixed armes and amunition according to order of Court ; and that as well ancient psons that are out of the lists as others ; and that you alsoe enquire into the Townes stocke of armes and amunition ; and upon an impartiall view you cause the Constable by vertue heerof forthwith to levy the fine by distresse if not otherwise payed ; the fines of listed soldiers to the use of the Companie ; and of others to the Townes use ; and make speedy returne to the Gov<sup>r</sup> or major

how they find the Townes stocke that they may take course to gather those fines for the Collonie; and in generall may know how your towne are provided.

And in case of a suddaine assault or approach of an enemy the Court orders you as much as may be to be guided by the orders of the Councell of warr that sits at Plymouth the second day of Aprill 1667 untill you shall receive more pticular orders from the Gov<sup>r</sup> Major or Councell of warr; and that you doe alsoe take notice of the troopers as to defect of armes and amunition in your towne and levy their fines as above said to the use of the troope; unlesse in such Townes wherein any Comission Officer of the troop doth reside,

Wee being informed that it is upon the harts of our neighbours of the Massachusetts Collonie to support and incurrage that nursery of Learning at harverd Colledge in Cambridge in New England from whence have through the blessing of God issued many worthy and usefull persons for publike service in church and Comonwealth; being alsoe informed that divers Godly and well affected in England are redy to assist therein by way of contributing considerable sumes provided the Countrey heer are forward to promote the same; and that the severall Townes in the Massachusetts have bine very free in their offerings therunto; we alsoe being by letters from them invited and In sighted to joyne with them in soe good a worke and that wee may have an interest with others in the blessing that the Lord may please from thence to convey unto the Countrey; this Court doth therfore earnestly comend it to the Minnesters and Elders in each Towne, that they takeing such with them as they shall thinke meet; would p<sup>r</sup>ticularly and earnestly move and stirr up all such in their severall townes as are able to contribute unto this worthy worke be it in mony or other good pay; and that they make a returne of what they shall effect heerin unto the Court that shall sit in October next whoe will then appoint meet psons to receive the contributions and faithfully to dispose of the same for the ends proposed.

Contribution to  
Harvard College  
recommended to  
these several towns.

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1673.

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It is ordered by the Court that the charge of the free Scoole which is three and thirty pounds a yeare shalbe defrayed by the Treasurer out of the profits arising by the fishing att the Cape untill such time

June.  
The profits arising from the Cape fishery to be appropriated to the

support of the  
free school.

as that the minds of the freemen be knowne concerning it which will be returned to the next Court of Election.

Evidence of land  
brought from any  
town booke to be  
placed upon the  
court records, to  
be first exhibited  
in open court.

It is enacted by the Court That whatsoever evidence of land is or shalbe brought from any Towne booke to be placed in the Court Records shalbe shewed in open Court before it be entered.

One half of the  
excise on mack-  
erel abated.

It is enacted by the Court that the one halfe of the excise due to the Country on the Mackerell to be caught att the Cape bee henceforth abated ; viz. that wheras it was twelve pence a barrell to our owne it shall and henceforth be but sixpence a barrell from our owne and wheras it was formerly two shillings a barrell to forraignors it shall henceforth be but twelve pence a barrell to forraigners ; except any shall come in before the next Court and rent the said priviledge of Cape fishing.

Bounty on wolves  
reduced.

The Court have ordered that the pay for killing of wouolves be lowered from thirty to twenty shillings a head.

Nothing to be in  
force in the writ-  
ten booke of laws  
but such as the  
printed laws refer  
to.

The Court have ordered that nothing shall stand in force in our written booke of lawes ; but what the printed lawes refer unto.

#### WANT OF ARMES.

July.  
The commission  
officers in each  
town directed to  
notice any defects  
in the arms, &c.

It is enacted by the Court, That the Comission officers of each Township of this Jurisdiction as often as they see cause shall make serch and take notice of the defects in armes and amunition in each Township ; which defects being delivered to the Constable by the above said officers the Constable with the Clarke of that Companie shall levy the fines by distresse for the use of the Companie according to order of Court and that the said Milletary Officers have the like power : to make serch and levy fines for defect on ancient psons, and all Inhabitants altho not of the traine band ; and the fine of such to be to the poor of the Towne or other Towne use.

#### APPRIISERS.

Appraisers of  
goods taken by  
distress, how  
chosen.

Rules for Aprisment of goods or other estate to be levied by des-tresse or execution, viz. That two meet men of good judgment be chosen apprisers, one of them by the Constable and the other by the pson on whose estate the distresse is made or in case of his default then to be chosen by the Constable ; and where the pty concerned refuseth to sett forth suitable estate both as to nearnes of the same to be levied and to the specue due, there the Constable shall seize such goods as may best suite therunto to be equally and indifferently apprised according to the specue due and not over prised.

Penalty for refus-  
ing to serve as an  
appraiser.

And incase the Apprisers refuse to attend that service on the Constables warning then such refuser to forfeite five shillings to the Countreyes use.

## INDIANS.

It is enacted by the Court That such Indians especially young men as run in debt to any English for thinges nessesary for them shalbe made to worke it out at reasonable rates if they have not else to discharge theire just debts.

Indians, who contract debts to discharge the same by labor.

It is enacted by the Court That whosoever takes any pledge or paune of any Indian for silver or any sort of drink shall upon complaint of the Indian loose both his pledge and the mony payed.

Pledges taken from the Indians, whether for silver or drink to be forfeited.

It is enacted by the Court that noe ordinary keeper or other pson shall henceforth sell any beer to any Indian upon penaltie of five shillings for every quart soe sold to be payed to the Treasurer for the Countreyes use.

Penalty for selling beer to Indians.

And if any Indian be found destempered with drinke and be brought before the Court ; in Court time, or before any majestrate, or in townes where noe Majestrate is before any of the Celectmen of the Towne if as soon as hee is capable hee will not declare of whom hee had his drinke, he shalbe forthwith whipt, and his accusation of any pson shalbe prooffe against them except they shall clear themselves by theire oath, as incase of liquor is provided and if it manifestly appeer that such Indian doth wrongfully accuse any person, hee shalbe severly whipt for his drunkenes and falce accusation.

Indians found drunk to be whipped, unless—

It is enacted by the Court that on the sixth day of the weeke in October Court and July Court ; and att noe other Courts or other dayes in those weekes shall Indian busines be attended by the Court to the prejudice of the other occations of the Court and Countrey.

Indian business to be attended to only on the sixth day of the week of the Oct. and July courts.

## UNTIMELY DEATH.

In reference to such that come to untimely death It is enacted by the Court that noe such pson be buried before such time that a Corroner or Constable wher no Corroner is, be informed of such death upon the penaltie of five pounds and that such pson or psons that are most nearly related to such psons soe dieing shall forthwith give notice to a Corroner or Cunstale ; and in defect heerof any other pson is heerby bound, haveing knowlidge of it forthwith to give information as aforesaid and be payed out of the estate of the pson soe deceased or by the Treasurer where no such estate is found.

No person coming to an untimely death to be buried before a coroner's inquest is had.

## HORSES.

It is enacted by the Court That noe pson whatsoever in this Colonie shall have libertie to keep above three horse kind on the Commons ; viz : every housholder Inhabitant or that hath twenty pound

No person to keep more than three horses on the common lands

rateable estate shall have libertie to keep one ; and hee that hath forty pound rateable estate hath libertie to keep two ; and such as have sixty pound rateable estate may keep three ; but none above three as abovesaid ; a colt not be reckoned for one till a yeare old.

And if any pson or psons shalbe found to keep more horse kind runing on the Comons then this law aloweth him ; It shalbe lawfull for any treaspased by such horse kind to kill them.

Pay five shillings a weeke for every horse kind more then his number for the Townes use.

Horses trespassing may be killed.

And what horses or horse kind soever doe or shall treaspas any in their Corne or other enclosed lands or meddowes after warning given ; if they continew soe to treaspas It shalbe lawfull for the pson soe treaspased to kill them.

What is in the written book of laws to be made one volume.

It is enacted by the Court that what is in our written booke of lawes be by us looked upon for law and be taken out of the said booke and by a Committee drawne up into one vollume.

#### DEPUTYS.

The deputies to vote with the magistrates in purging the court.

It is enacted by the Court that those that are or shalbe sent from the severall Townes for to serve as deputies shall have a voate with the Majestrates in the purging of the Court untill by the abovesaid disaccepted.

#### GAGE : TARR.

The gauge for tar to be 15 gallons beer measure.

It is enacted by the Court That 15 Gallons beer measure shalbe a settled Gage for Tarr barrells.

1674.

Actes and orders made and concluded the fourth day of June Anno Dom. 1674 as followeth ;

Freemen, how admitted.

It is enacted by the Court and the authoritie therof as to the orderly admittance of Freemen ; first that the names of the freemen in each Towne be kept upon Towne record, and that noe mans name shalbe brought into the Court to be propounded to take his freedome unlesse hee have had the approbation of the major pte of ye freemen att home, and the same to be signified to the Court under the Towne Clarkes hand by the Deputies.

## ORDINARYS.

It is enacted by the Court ; That as to the restraining of abuses in ordinaries, That noe ordinary keeper shall sell or give any kind of drinke to Inhabitants of the Towne upon the Lords day ; and alsoe that all ordinary keepers be required to cleare theire houses of all Towne dwellers and strangers that are there on a drinking account except such as lodge in the house ; by the shutting in of the day light upon the forfeiture of five shillings, the one halfe to the In-former and the other halfe to the Townes use.

Ordinary keepers not allowed to sell or give drink to the inhabitants of the town on the Lord's day, nor to keep their houses open in the night.

## POUND KEEPER.

It is enacted by the Court that whatsoever neat Cattle horse kind sheep or swine henceforth being impounded for Treaspas or damage done that the pson that owneth the said cattle sheep swine or hors-kind doe give to the poundkeeper Securitie, to satisfy the damage done by them for which they were impounded ; viz. Ingage before two witnesses or give under his hand to the keeper of the pound to satisfy such just and legall damages as abovesaid ; and the pound keeper that releaseth such beasts being alsoe satisfied for his impounding of them.

The owner of cattle, &c. impounded to give security to the pound keeper for damages before they are released.

## RACERS.

It is enacted by the Court that whatsoever person shall run a race with any horse kind in any street or comon road shall forfeite five shillings in money forthwith to be levied by the Constable or set in the stockes one houre if it be not payed.

Penalty for racing horses in the highways.

## INDIANS.

It is enacted by the Court That wheras many Controversyes doe arise between the English and the Indians that are brought to tryall of the severall Courts of this Govment ; and it is observed that the Indians would be greatly disadvantaged if noe testimouy should in such case be accepted but upon oath ; This Court orders, that any Court of this Jurisdiction before whom such tryall may come shall not be strictly tyed up to such Testimonies on oath as the comon law requires but may therein acte and determine in a way of Chancery ; vallueing Testimonies not sworne on both sydes according to theire Judgment and Consience.

The courts authorized to receive testimony from witnesses not under oath in certain cases.

The order forbiding powder and shott to be sold to the Indians is repealed.

The order about the sale of powder, &c. to Indians repealed.

It is enacted by the Court that wheras Mannamoiett Paomitt and Satuckett have bin put under the Constabeshipp of Eastham ; That

Mannamoiett and others to belong to Eastham.

they shall belonge unto, and be of the said Township untill the Court shall see cause otherwise to order, and all other places in like Capasitie shall belonge unto p'ticular townships as the Court shall see meet.

Indians contract-  
ing debts shall  
work for their  
creditors, or be  
sold.

It is enacted by this Court that such Indians as live idly and will not take care to pay their just debts after conviction shalbe made to serve either those to whom they are indebted or some other man untill the debt be satisfied for twelve pence a day in summer time and sixpence a day in winter time and their diet, and if they will not serve but run away; then it may be lawfull to sell them by order from two Majestrates of this Jurisdiction or the Selectmen of the Towne for soe longe a time as they shall see fitt, untill the debt be satisfied for, and all such charges as shall arise upon defect as aforesaid.

Indian children  
who are idle to be  
bound to service  
by the selectmen.

And for all younge pson of the Indians as spend their time idly, It shalbe in the power of the Celectmen or Constable in each Towne upon complaint for to put them to some psons that shall keep them to work and not abuse them; but if such p'sons shall or doe run away they shall forfeite double for such time as they are absent.

Indians stealing  
property to re-  
store four fold or  
to be sold.

It is enacted by the Court that such Indians which shall or doe steale any thing from the English hee or they shall make restitution by payment of four fold either by serveing it out or some other way or be sold for his theft; att the descretion of two of the Majestrates of this Jurisdiction.

Indians to prose-  
cute their claims  
for land within  
one year after  
they are of age.

It is enacted by the Court, that concerning Indian claimes that are or shalbe made to any lands within this Government; which are now orderly possessed by the English those which doe lay claime to them shall orderly comence and prosecute their claime as farr as hee or they are able; within one whole yeare after they be of age; and noe longer, and that care be taken that the Indians have notice of it.

#### SCHOOL.

The profits of the  
fishery at Cape  
Cod to be contin-  
ued to the support  
of the school.

This Court haveing received by the deputies of the severall Townes the signification of the minds of the Major pte of the free men of this Collonie that all the proffitts of the fishing att Cape Code graunted by the Court for the erecting and maintaining of a Scoole be still continued for that end if a competent number of Scolars shall appeer to be devoted therunto, which this Court judges not to be lesse than eight or ten—Doe therfore heerby conseirme the graunt of the aforesaid proffitts of the fishing att the Cape to the maintainance of the Scoole; and that there be noe further demaunds, besides the said proffitts of the Cape demanded of the Country for the maintainance of the said Scoole.



## TROOPERS.

It is enacted by the Court that it be signified to the Townes that the Court expects that the troopers in each towne be as many in number as before and that they be provided with armes and other acueternments fitt for that service; and that their names be sent in to the July Court.

The towns to be notified in relation to the troop.

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1675.

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Actes and orders made and concluded the first of June 1675 by the Generall Court then assembled att Plymouth for the Jurisdiction of New Plymouth as followeth.

Wheras through the varietie of Interpretations of sundry orders respecting the Celectmens Courts, there may arise such actings as may be crosse to the maine end of that Constitution—For the better regulating therof it is ordered by the Court and the authoritie therof; that the Courts of Celectmen nor any of them shall have power to send forth any precept to seize any estate without their respective Townships, or to compel any pson that is not found within their respective Townships, unto their obedience; nor shall have power to try any of the Kinges officers respecting the execution of their office for any damage to any pson pretending thereby to be received; nor to try any action of defamation battery, or that respects title of lands; nor to make allowance for more witnesses than is nessesarie to any case brought before them nor to allow more than eighteen pence a day for one witnes attendance thereon, nor to allow any cost for any Atorneyes nor to hold more than two Courts in a year; viz: one to be kept on the last Tusday in September annually, and the other the first Tusday in February annually, nor to ajorne any of their Courts longer then untill the next day immediately following such respective Court savinge their libertie onely to call a speciall Court in case they see urgent cause therof, only on the account of a stranger being concerned in a case, which without much damage can not well be deferred to one of the Cettled Courts; and further it is ordered that in case where a plaintiffe is Inhabitant of another Towne; and neglects to procecute or signify to the defendant, and to one of the Celectmen his letting fall his action; then appeering the defendant hee shall have his cost allowed; which upon certificate therof to any of the Majestrates, hee shall issue forth a warrant to the Constable to

Judicial powers of selectmen limited.

levy such cost on the goods of the said offending plaintiffe and make payment therof to the said defendant damnified.

Fifty pounds to be paid to the executrix of Gov. Prince.

This Court voates the Country to repay, within two yeers after the date heerof the fifty pounds to Gov<sup>r</sup> Prence his executrix which hee in his life time payed to the Treasurer in the Countreyes behalfe as pte of the purchase of his late dwelling house and lands att Plymouth on condition that if the said executrix ; together with all the children concerned therein ; which are in this Countrey, shall resigne up the deeds which was given to the said late Gov<sup>r</sup> Prence by the Treasurer in the Countreyes behalfe ; and alsoe shall and doe give sufficient evidence in law to the Treasurer in the behalfe of the Countrey for the said house and lands ; with warrantice onely from by and under them the said executrix and children theire and every of their heires and assignes forever ; and that then upon their signeing and sealing evidences unto the Treasurer aforesaid, hee alsoe in behalfe of the Country signe and seale a generall release to them of all debts dues bills bonds and demaunds whatsoever.

Committee of the court to act in this business.

It is alsoe further ordered by this Court That Mr. Thomas Hinckley Capt James Cudworth and Leift. Morton are impowered to acte with the Treasurer in the p<sup>r</sup>misses or incase of his neglect or refusall to acte in p<sup>r</sup>misses for any pte therof ; That then the sd. Mr. Thomas Hinckly Capt Cudworth and Leift. Morton be heerby fully impowered to acte therein in the Countreyes behalfe without him as alsoe to dispose of the said house and lands, by seting leasing or selling the same in the Countreyes behalfe as they shall see cause.

Thomas Hinckly appointed to hold courts for the Indians, &c.

It being moved by some of the Comissioners which mett this yeer att Boston That some one of the Majestrats might be appointed and impowered to be healfull to the praying Indians in this Jurisdiction in matters civill for their better Gov<sup>r</sup>ment and the issuing of such controversies as may arise amongst them ; This Court being sensible that it may have a good tendencye to the civilliseing of the said Indians ; and that it may be some ease both to this Court and to the Indians ; doe therefore order and impower the worsp<sup>l</sup> Thomas Hinckley, to call and keep Courts amongst the said Indians att such times and in such places of this Gov<sup>r</sup>ment, as hee shall thinke meet, for such end ; and doe heerby impower him, together with the heads or cheife of the Indians in the severall places to make orders respecting the Gov<sup>r</sup>ment of the said Indians ; and to punish them for misdemeanors except in cases capitall ; and to issue amongst them all civill controverses provided that the said Indians shall still have libertie to make their appeales from that power to our Court of New Plymouth if they see reason soe to doe.

It is enacted by the Court and the authoritie therof, That if any man have damage done by horses swine sheep or neat Cattle and the damage don is full a mile or more from the Towne pound ; Then it shalbe lawfull for such an one to impound the beast that hath treaspas in a pound house or place of restraint erected upon his owne ground twenty four houres and that he shall within six houres give notice to the pson that ownes the beast or cattle, which if the owner will not come and satisfy ; Then hee that hath the treaspas don him may drive them to the Towne pound ; and shall have what is nessesary for the driveing of them together with the damage, and hee that impounds the cattle or beast shall give oath before a majestrate or Celectman if required what cattle or beast did the damage soe farr as hee knoweth ; and that shalbe taken for sufficient proffe when other cannot be obtained.

Impounding of cattle, &c.

It is enacted by the Court that all fences for securing of corne shalbe full four foot high or otherwise sufficient by the judgment of indifferent men.

Fences for securing corn to be four feet high.

Wheras it is observed that some by lending guns &c. to the Indians wherby theire nessesary armes are many times out of Culture or out of the power of the owners for theire use if any exegencye should fall ; the Court have ordered that henceforth none shall lend any gun or guns to the Indians on paine of forfeiting them or the vullue of them to the Collonies use.

Penalty for lending guns to Indians.

It is ordered by the Court that foure halberteers be in a reddines to attend the Gov<sup>r</sup> und Assistants on dayes of election yeerly and two after the election is over all the time which that Court contineweth.

Four halberteers to attend the Governor and Assistants on the days of election.

#### TROOPERS CASHIERED.

Wheras it was ordered by the Court that the Troope were required to procure Carbines ; and serve as a troop of Dragoneers, understanding that they have generally declined it ; the Court have ordered that they returne againe to theire foot Companies and doe service therin and be subject to such orders as are requisite in that behalfe in the severall Townships wherunto they belonge.

Troopers directed to return to the foot companies.

#### MEETINGHOUSE IN EACH TOWNE.

It is enacted by the Court that there be a publicke house erected in every Towne of this Gov<sup>r</sup>ment for the Towne comfortably to meet in to worship God ; and incase any Towne shall apparently neglect or refuse to build the said house ; it shalbe in the power of the Gov<sup>r</sup>. and Majestrates to appoint and authorise a pson or psons

A house to be erected in each town for public worship.

to build the said house according to the abillitie and nessesitie of the people and the charge therof to be defrayed by all the Inhabitants and propriators of the Towne.

A committee appointed to run the lines between the severall townships.

It is ordered by the Court that wheras graunts of land have bin formerly made unto sundry freemen ; and many more freemen have petitioned the Court for land ; and the Court not knowing what lands are yett undisposed of by reason of former graunts unto severall Townes whose bounds are not certainly knowne this Court doth order Mr. Constant Southworth and Willam Paybody with such psons as the respective townes shall see cause to joyne with them to run the line ; and to sett the bounds of all such Townes ; where theire bounds border on the Comons or undisposed lands ; whoe are im-powered together, or where any Towne shall omitt or neglect to send or appoint men as aforsaid to joyne in runing such line or settling Townes bounds ; then the abovesaid Mr. Constant Southworth and Willam Paybody shall have power to doe it themselves as neare as they can ; according to graunts and records respecting the p'mises ; and what they shall doe therein to stand valled and unviolable for the future and charge to be defrayed by the severall Townes about which they shalle imployed.

Also the Court have ordered and impounded the above named Mr. Constant Southworth and Willam Paybody to run the line between Bridgwater and Middlebery Incase of the Treasurers neglect that then Nathaniell Thomas Leiftenant Morton and John Thompson to supply.

The comissioned officers may prosecute the war against the enemy in certain cases without any express authority.

It is ordered by the Court that it shall and may be lawfull to and for any of the comission officers and souldiers in any of our Townshipes, with the advice of theire Towne councell if opportunitie serve to consult them ; or without if the p'sent exegency of an advantage against an enimie present to prosecute the warr against them tho it should be without the respective Townshipps, as if such officers had a p'ticulare comission therunto.

All required to bring their arms to meeting on the Lord's day.

It is ordered by the Court, That during the time of publicke danger every one that comes to the meeting on the Lords day bring his Armes with him and furnished with att least six charges of powder and shott untill further order shall be given ; under the penaltie of 2<sup>s</sup> for every such defect to be levied by destresse by the Constable by order of any of the comission officers, for the Townes use.

None allowed to shoot a gun except to an Indian or a wolf.

It is ordered by the Court That whosoever shall shoot of any Gun on any Nessesarie ocation or att any Game whatsoever except att an Indian or a Woolfe shall forfeite five shillings for every such shott, till further libertie shalbe given.

1676.

Actes and orders of the Court made and concluded the 4th of November 1676.

It is ordered by the Court and the authoritie therof ; That there be a true list taken of the names of all male psons in each Towne of this Govrment that are betwixt the age of sixteen years and sixty years whether they doe judge them able to doe service or disabled therunto ; and those in each towne that are judged by the towne or Comission Officers to be disabled from service that they be listed by themselves after the rest ; and this to be brought to Plymouth under the hand of the Clarke of the Company or Comission officers against the next June Court.

A census ordered of all the male inhabitants between the age of 16 and 60 years.

It is ordered by the Court that each Towne choose two or three men to take a more perfect and exact list of the Rateable estate of the Inhabitants of each Towne and for the better and more cleare bringing in of an Inventory of the Rateable estate of each towne, these rules are to be observed ;

A valuation ordered, and how to be taken.

First, That a list of the rateable estate of this Collonie shalbe taken between the 20<sup>th</sup> of May and June Court ; and presented to June Court.

2. That in all Townes noe impropriated lands lying dorman that is within the Towneshipp is to be listed as rateable.

3. That in takeing of a list That beasts cattle sheep hoggs and the number of them with the p'ticular age shalbe expressed, and not a valluation of the worth of them in a lumpe estimated by them that take a list.

4. That after the list taken that the Towne meet together to hear the list red ; that if any be wronged hee may make it appeer that hee may be righted, and if any have not given a true list of his estate it may happily be discovered and made manifest by some neighbours.

## INDIANS.

Wheras there is an acte or order made by the Councell of Warr bearing date July 1676 prohibiting any male Indian captive to abide in this Jurisdiction that is above fourteen years of age att the beginning of his or theire captivity and incase any such should continew in the Collonie after the time then prefixed they should be forfeite to the use of the Govrment this Court sees cause to ratify and confeirme that order and acte and doe therfore order ; that all such as

Male Indian captives above 14 years old not allowed to remain in the Colony.

have any such Indian male captive that they shall dispose of them out of the Collonie by the first of December next on paine of forfeiting every such Indian or Indians to the use of the Collonie ; and the Constables of each Towne of this Jurisdiction ; are heerby ordered to take notice of any such Indian or Indians staying in any the respective townes of this Collonie, after the time prefixed ; and shall forthwith bring them to the Treasurer, to be disposed of to the use of the Gov<sup>r</sup>ment ; as aforesaid.

Except such as  
Capt. Church  
had agreed with.

Captaine Church haveing, for and in the behalfe of the Collonie engaged to severall Indians ; about five or six ; That incase they did cary well they should abide in this Jurisdiction ; and not sold to any forraigne p<sup>t</sup>es ; accordingly this Court doth conserme the said engagement and doth heerby tollarrate theire stay as aforesaid ; notwithstanding any new law of this Collonie to the contrary ; excepting if any of them should appeer to have had a hand in any horred murder of any of the English p<sup>t</sup>icularly excepting one Crossman ; whoe is accused to have had a speciall hand in the crewell murder of Mr. Hezekiah Willett.

Indians who have  
submitted to  
Government not  
allowed to bear  
arms.

It is enacted by the Court, That noe Indian or Indians of those that came in and submitted themselves to mereye shall be p<sup>r</sup>mitted they nor any of theire posteritie to beare armes for the future within this Collonie.

Indian servants  
not allowed to  
use guns in any  
case whatever.

It is enacted by the Court That noe Indians that are servants to the English shall be p<sup>r</sup>mitted to use guns for fowling or other exercise ; as being judged that it may prove prejudiciall in time to the English ; and therefore that none shalbe p<sup>r</sup>mitted soe to doe on paine of forfeiting every such gun soe used to the use of the Collonie.

Persons selling or  
giving guns to  
Indians to suffer  
death.

Forasmuch as by frequent and sad experience it is found that selling of armes and annunition to the Indians, is very p<sup>r</sup>nisious and destructive to the English It is therefore ordered decreed and inacted by the Court and the authoritie therof ; That whosoever shalbe found to sell barter or give directly or indirectly any gun or guns or annunition of any kind to any Indian or Indians ; and the same legally proved against them ; every such pson or psons shalbe put to death ; And in defect of full and legall profie there the printed law prohibiting the same selling guns or annunition &c to take place.

Showamett neck  
to be sold for the  
relief of maimed  
soldiers.

The Court have ordered That the necke of land called Showamett shalbe sold the prise wherof to be improved for the releiffe of maimed souldiers and others that are in great nessesitie in our Collonie whose Povertie hath bin caused by the late warr ; as alsoe for the defraying of such just debts as the Country stands engaged unto any.

The Gov<sup>r</sup>. Mr. Hinckley Major Cudworth and the Treasurer or any two of them ; are appointed, and impowered by the Court to make sale of Showamett Mounthope and Pocassett in the behalfe of the Collonie ; and to make and seale deeds in the Collonies behalfe ; for the confeirmation of the sale of them or any of them ; and on receipt of the monies ; to give acquittances and discharges as occasion may require.

Committee to sell Showamett, &c. and to distribute the proceeds.

And the same psons, viz ; The Gov<sup>r</sup>. Mr. Hinckley Major Cudworth and the Treasurer, are impowered, together with one chosen and deputed by each Towne in this Collonie ; or as many of them as shall appeer att the time & place appointed ; To make distribution of the prise onely of Showamett for the releiffe of maimed souldiers and psons impoverished by the warr and poor widdowes such as have lost their husbands in the warr and others in great nessesitie and for the defraying such apparent and just debts as are by the Collonie owing unto any.

It is ordered by the Court and the authoritie therof that the Gov<sup>r</sup>. or in his absence the deputie Gov<sup>r</sup>. with any two more of the Assistants upon any suddain exegent or emergent occasion falling out wherein more of the councell can not speedily be convened shall have as full power and authoritie to presse and send forth men horses armes amunitions and provissions and all other Nessesaries Needfull for the countries service, as if the whole councell of warr were convened.

The Governor and any two of the Assistants may impress men, &c. in certain cases.

It is ordered by the Court and the authoritie therof That every such pson or psons as refuse or neglect to attend the countreyes service wherto they are or shalbe pressed by any presmaster or their deputies, by order from any legall authoritie heer established or Impowered, shall forfeit five pound ; or in want therof be compelled to run the Gantlett or both as the Transgression shalbe cercomstanced, for every such default ; and where there is or may be opportunity for such delinquents timely to declare their resolution not to attend the said service that soe another may be pressed in their stead, and shall neglect the same shall forfeit the sume of five pounds more to be levied by destresse on their goods, the said forfeitures to be the one halfe therof to the countrey and the other halfe to the Townes wherto such delinquents doe belonge ; the said forfeitures being to be levied in such case as aforesaid in case a satisfactory reason be not Given by such delinquents, to the court or councell for such neglect, being forthwith to be brought up by the Constable or his order to their tryall.

Penalty for refusing to attend the country's service.

It is ordered by this Court, That the comission officers of every

The commission officers of each town with the town council may order out a scout, &c.

Towne together with the Towne councill or the Major pte of the whole shall have full power and authoritie to appoint and require any p<sup>r</sup>ty or p<sup>r</sup>ties of their men as a scout for the discovery or surprisall of the enimie within or neare their respective townes as alsoe for the releife of any of their Neighbour townes or plantations as occasion May require, also that the comission officer or officers in every townie are Impowered in case of any suddaine exegent wherin hee or they cannot have oppertunitie ; to advise with the townie councill to comaund or lead forth such a p<sup>r</sup>ty of men as hath bine before agreed on or to him shall seeme nessesary for the present releife of any pte of their owne townie ; or Neighbour townie assaulted or repelling the enimie in his advance therunto and that every such souldier as shall not obey in any of the cases appointed or comaunded as aforesaid shall forfeite five shillings a day for such his default to be levied by warrant from any of the Majestrates or celect men of the townie or be layed necke and heeles where noe estate can be found unlesse such delinquent give a satisfactory reason to the Comaunder and townie councill for such his neglect.

If any town neglect to aid in mutual defence, to be fined.

It is ordered by this Court and the authoritie therof That where the comission officers and Towne Councill of divers Townes are or shalbe in a consosiation or vicinity for their mutuall defence and preservation ; and have and shall agree to keep out a standing scout att any place for the comon Good of the whole vicinity aforesaid if any of those Townes, shall fayle in sending and keeping out the whole or any p<sup>r</sup>te of their men ; agreed to be on the said scoutie, shall forfeite to the other Townes in vicinety as aforesaid, five shillings for every day for every such man wanting to be levied by destresse by warrant from any one Majestrate ; on the Goods of such delinquents or on the Goods of any of the comission officers or townie councill of such defective Townes ; and by them to be recovered by destresse or otherwise on the proper delinquents the said fines to be Improved ; by the comission officers and Towne councill of any the said Townes to promote the said scoutie or other publicke service of those townes.

It is further ordered that where the comission officers and Towne councill of such Townes in vicinity as aforesaid, have or shall agree to have such a pte of their men in a reddines to march forth to the releiffe of any of those townes assaulted or in eminent danger to be assaulted or to surprise or repell any pty of the enimie ; which may be discovered to lye lurking about any places neare any of those townes ; wherby they may have oppertunitie suddainly to assault them, if not prevented, if any such Townes shall neglect to attend,



that service on notice Given them, either by any of the Majestrates or any two or three of the comission officers or towne counsell ; those townes shall forfeite five shills p<sup>r</sup> man for every day wanting therin to be levied as aforsaid for the publicke use of the other Townes as aforsaid ; and if any p<sup>r</sup>ticular p<sup>r</sup>sons shall refuse to attend the order of their p<sup>r</sup>ticular comaunder to march forth as aforsaid ; unlesse a satisfactory reason shalbe given to the officers and counsell ; shall alsoe forfeite five shillings a day for every such neglect to be levied as aforsaid and Improved by the comission officers and towne counsell of that place for the publicke service of those townes ; and it is further ordered for the better Management of such expeditions that the souldery mett together may chose one to take the conduct of the whole being one of the comission officers of one of the said Townes ; whome they shall reddily obey as their comaunder in cheiffe ; whoe is heerby Impowered to acte with the advice of his counsell ; The comaunders of the severall squadrons ; and such other descreet men of his companie as hee shall see cause to advise with in surprisall repelling p<sup>r</sup>sueing or distruction of the enimie as occation and oppertunitie may present for the mutuall defence of those townes or any other in destresse as may be and these to be his and their sufficient discharge.

A commander from the commissioned officers may be chosen.

Wheras divers p<sup>r</sup>sons of Rhode Iland and others have from time to time drove into and Pastured their cattle and horses on, the lands att Pocassett and places adjacent, and oft times in driveing of the said cattle and horses from the said land, have drove and conveyed divers cattle and horses of other mens, wherby the owners of such cattle and horses have bine deprived of them to their Great losse and damage ;

For prevention wherof ;

I It is enacted by this court That noe p<sup>r</sup>son whatsoever shall Transport any cattle or horses from Pocassett or places adjacent to Rhode Iland, which shall not first be viewed and their markes by such as the court shall appoint, and alsoe shall pay to the viewer or viewers one peny in mony p<sup>r</sup> head for every beast soe viewed, on forfeiture of twice the vullue of the said cattle to the use of this colonie, that shalbe transported contrary to this order.

No person allowed to transport horses or cattle from Pocassett to Rhode-Island—

2. That noe p<sup>r</sup>son whatsoever shall drive or convey any cattle or horses from Rhod Iland or any other places to Pocassett, or places adjacent, there to Pasture them on the land of this Collonie leased out by order of this court, without leave of the leasers and if any p<sup>r</sup>sons shall soe doe Contrary to this order, It may and shalbe lawfull for the said leasers, to Impound all such cattle and horses ; and

Nor from Rhode-Island to Pocassett.

there to detain them, untill satisfaction for their treaspas be made according to the law of this collonie.

The abovesaid leasers Are Capt. Benjamine Church and John Simmons.

Taxes to be paid on all cattle kept in the colony.

None to be earried out of the colony till the tax is paid.

3. And it is further ordered That all such cattle as are kept and Pastured in this collonie as aforesaid shalbe lyable to be rated proportionably to what is layed upon other cattle, whose owners live within this Govrment, and that noe such foreigners cattle shalbe transported out of this collonie untill such Just rates be payed to the above said leassers whoe are heerby Impowered to obtaine the same, for the countryes use, as alsoe to use theire best care and Indeavors to prevent the cutting downe or caraying away any of the timber on this collonies lands aforesaid out of the same ; by seizing therof or arresting the psons that transgresse therein.

1677.

Att the Generall Court held att Plymouth the fift of June 1677.

#### INDIANS.

Indians not allowed to appear at Plymouth while the court is in session.

Wheras by frequent and sad experience great disorder acrewes by the great concourse of Indians unto Plymouth in Court times in that very oftens they drinke themselves drunke wherby God is much dishonored and sober minded men offended ; It is ordered by the Court that all Indians be prohibited from appeering att Plymouth in Court times, except upon speciall occasions, without order from some one of the Majestrates of this Jurisdiction, or a Celectman, on paine of the payment of a fine of five shillings ; for any that shall appeer without a certefcate, as aforesaid or to be publickly whipt.

#### WINE LIQUORS &c.

July.  
A former order relating to the sale of wine, &c. to be extended to strangers.

As an addition to former orders of the Court for prevention of the growing intollerable abuse by wine stronge liquors &c. both amongst the Indians and English—It is ordered by this Court and the authoritie therof that the order mensioned in the printed booke of lawes Chap. 13. N. 1. of retailing wine stronge liquors &c. without lycense is to be construed as intending strangers as well as others.

#### ORDINARY KEEPERS &c.

It is enacted by the Court that noe ordinary keepers or other pson

or psons shall sell draw or suffer to be drawne any wine or strong liquors to any but strangers except incase of manifest sicknes or necessities in that kind ; on paine of ten shilling forfeite for every such default the one halfe to the Country and the other halfe to the enformer.

Penalty for selling wine, &c., to any but strangers, except—

It is ordered by the Court and the authoritie therof that none shall presume to deliver any wine stronge liquors or Cyder to any pson or psons whoe they may suspect will abuse the same, or to any boyes gerles or single psons tho pretending to come in the name of any sicke pson without a note under the hand of some sober pson in whose name they come on paine of five shillings for every such transgression ; the one halfe to the Country and the other halfe to the enformer.

No wine, &c., to be delivered to any person who it is suspected will use the same wrongfully.

And forasmuch as it is Judged that leteing the Indians have silver mony is a great meanes wherby they are furnished with liquors to theire great abuse through the inordinate love of theire mony by some covetous or evill minded English It is therefore ordered by the Court that noe English or other nation whatsoever living with us shall give trucke or lend any silver mony to any Indian or Indians on any pretence whatsoever on paine of five times the vallue therof to be forfeite ; the one halfe to the Country and the other halfe to the enformer.

The names of the men appointed by the Court in every Towne to see the orders about and against abuse of drinke and liquors put in execution are as followeth.

Persons appointed to carry this act into effect. Repealed Nov. 1, 1677.

Plym. Serjeant Harlow	Barns. Mr. Huckens
Andrew Ringe	Mr. Barnabas Laythrop
Duxbur. John Wadsworth	Swansey John Butterworth Seni
Benjamin Bartlett	
Scittu. John Bryant	Marsh. Thomas Doghied
Thomas Wade	Ephraim Little
Sandw. Mr. Edm <sup>d</sup> Freeman	Reho. Mr. Sam <sup>l</sup> Newman
Thomas Tupper	
Taunton James Walker	Easth. Will. Walker
Joseph Wilbore	Daniel Cole Seni <sup>r</sup>
Yarm. John Hawes	Bridgw. Serj. Cary
Anthony Frey	John Haward

#### MILITARY.

It is enacted by the Court That all such psons in this Government whoe have served under Comission in the late warr against the Natives shall not be compellable to serve in the Milletary Companie in any lower capacitie then Comission officers ; and those officers whoe served in lower degree shall returne to theire former station.

July. Those who have served as officers in the late war shall not be compelled to serve in a lower capacity.

The order relating to the carrying of arms to meeting, how to be executed.

It is enacted by the Court That the order made by the Generall Court October the fourth 1675 respecting carrying of armes to the Meeting be put in execution by all such psons as are by the Lawes of this Collonie required to beare armes viz: the one halfe of the Companie one day and the other the other day and soe continewed untill further order to Contrary from the Gov<sup>r</sup> or Councell

It is enacted by the Court That the order of Court made Anno 1644 allowing Matchcockes be repealed; and that all psons required by the lawes of this Collonie to keep and maintaine armes; be att all times provided with sufficient fix feir lockes or snaphance musketts or other servicable peeces not exceeeding four foot and an halfe longe; nor under Colliver bore on penaltie of six shillings to be levied on the estate of all and every such pson or psons as by order are appointed to keep and maintaine the same; and that every such pson required to keep and maintaine armes shall for every fier locke or snaphance be alwaies provided with thirty flints on penaltie of twelve pence fine.

The commissioned officers in each town to enforce a former order relating to defects of arms.

It is enacted by the Court; that the Comission officers in each Towne of this Gov<sup>t</sup>ment doe speedily put in execution the order of Court made the fourth of July (73) for serching for defects of armes and amunition.

Military companies to be trained four times a year.

It is enacted by the Court that the Order of Court bearing date 1640 shall by the Milletary Comission officers of this Jurisdiction be put in execution againe viz: The order concerning Training; with this limitation and addition that wheras formerly the Milletary Companies were required to traine six times in a yeer they are to traine or be exercised but four times in a yeer; and that they not onely traine their souldiers in their postures and motions but alsoe at shooting att Markes &.

#### SELECT COURTS.

Nov. Courts of selectmen, when to be held.

It was enacted That wheras complaint is made that the order of Court made June 1675 concerning Celect Courts that there should be but two in a towne annually, proveth very prejudiciall to severall of our Inhabitants; It is therfore ordered by this Court that the Celectmen in any of our severall Townes may hold one or two Courts more in a yeer in their respective townshipes; one on the first Tuesday in the month of December yeerly and on the first Tuesday in May; if they see cause soe to doe.

#### STRANGERS TRADING WITH INDIANS.

Forasmuch as great inconvenience doth arise by strangers lying

with their vessels in our harbours trading with the Indians whereby such as belong to the said vessels have not only opportunity by their Trading to defeat such just debts as the said Indians are indebted to our English Inhabitants, by their carrying all they have to such traders but alsoe being found by experience, that thereby the Indians are furnished with prohibited goods contrary to the lawes and peace of this Government; as liquors guns and amunition &c.

This Court doth therefore order that noe foraignor doe henceforth lye with his vessell in any of our harbours soe as to trade with any of the Indians of this Jurisdiction under any pretence whatsoever on paine of the forfeiture of his vessell and goods to the Collonies use; or the sume of five or ten pounds as any of the Majestrates or Court may see cause as the matter may be cercomstanced.

No strangers permitted to enter the harbors of the colony for the purpose of trading with the Indian.

## SCHOOLS.

Forasmuch as the maintainance of good literature doth much tend to the advancement of the weale and flourishing estate of societies and Republicques—This Court doth therefore order; That in whatsoever townshipp in this Government consisting of fifty families or upwards; any meet man shalbe obtained to teach a Gramer Scoole such townshipp shall allow att least twelve pounds in currant marchantable pay to be raised by rate on all the Inhabitants of such Towne and those that have the more emediate benefitt therof by their Childrens good and generall good shall make up the resedue nessesarie to maintaine the same and that the proffitts ariseing of the Cape Fishing; heertofore ordered to maintaine a Gramer Scoole in this Collonie, be distributed to such Townes as have such Gramer Scooles for the maintainance therof; not exceeding five pounds p anum to any such Towne unless the Court Treasurer or other appointed to manage that affaire see good cause to adde therunto to any respective Towne not exceeding five pounds more p<sup>r</sup> anum, and further this Court orders that every such Towne as consists of seaventy families or upwards and hath not a gramer scoole therein shall allow and pay unto the next town which hath such Gramer scoole kept up amongst them, the sume of five pounds p annum in currant merchantable pay, to be levied on the Inhabitants of such defective townes by rate and gathered and delivered by the Constables of such Townes as by warrant from any Majestrate of this Jurisdiction shalbe required.

Every town having fifty families shall raise at least £12 for the support of a Grammar school.

Whereas the late warr hath bine very chargable to the severall townes of this gov<sup>t</sup>ment and many debts occasioned thereby are still due this Court considering that by the good providence of God there are several Tracts of conquered lands doe therefore order that Show-

Expenses of the war to be defrayed by the sale of certain lands.

mett lands and Assonet shalbe sold to defray the present debts ; and that all other such lands shalbe either sold, if Chappmen appeer to buy them within a year or two soe as to settle plantations theron in an orderly way to promote the publicke worship of God, and our own Comon Good and the produce thereof shall be divided to the severall Townes in this Gov<sup>r</sup>ment according to their different disbursements towards the aforesaid warr, and what of the aforesaid lands shall then remaine unsold shalbe divided to every of our Townes ; their part according to the rate before mensioned, alsoe the Committee to make sale as aforesaid shall give accompt of any of their actings therein to the next Generall Court after such their actings.

Taxes for the support of public worship, how levied.

Wheras many wayes have bine tryed for the raiseing of a comfortable and certaine maintenance for the minnesters of the Gospell in this Collonie, which notwithstanding some plantations not giving due Incurragement to those that were or should have bine improved in that honorable and profitable worke ; some plantations have for a considerable time and still doe remaine destitute of the publicke preaching of the word unto the great prejudice of their owne soules and continewed greiffe of all well affected amongst us : And in some other plantations, where minnesters are yett continewed the meanes for their support is raised with great difficulty and uncertainty ;

It is therfore enacted by this Court and the authoritie therof that such sumes as the people of the severall Townes or Plantations in this Gov<sup>r</sup>ment doe agree to allow to their respective minnesters or for defect of their mutuall agreement such sume or sumes as the Court shall judge meet and appoint to be payed to them or to be raised for incurragement of minnesters to settle in such places as now are or att any time may be destitute shalbe raised by rate on all the rateable inhabitants of the severall plantations of this Gov<sup>r</sup>ment, and shall yearely goe forth att the same time and in the same rate that is to be made and levied for ordinary country charges and shall in the severall plantations be made and by the constables be gathered therewith, and by them payed to the Treasurer or his order in such specie and in such seasons as the Majestrates sallery is usually paid in ; and if any townes rators or constables make default of what is of them required respecting the premises, they or any of them in whom the defect is found that obstruct the full and timely execution thereof, shalbe liable to such penaltie or fine as is provided respecting the makeing gathering or paying of other country rates and in such plantations where noe allowed minnester is some p<sup>r</sup>son or p<sup>r</sup>sons shalbe by the Court appointed by the Treasurers order to receive the said

sumes there raised which shalbe improved to such publicke pious use in that plantation as the Court shall direct unto : this order to take place att p'sent wher there is noe other provision made for the effecting of the said ends.

These are to signify unto all to whom these p'sents shall come that this Court sees cause to prohibite all and every p'son or p'sons within our Jurisdiction or else where to buy any of the Indian children of any of those our captive salvages that were taken and became our lawfull prisoners in our late warrs with the Indians without speciall leave liking and approbation of the gov'ment of this Jurisdiction.

Indian children of captives not to be purchased, without consent of the court.

1678.

It was enacted by the Generall Court That in every place in this Gov'ment wher a Township is or that is capeable for a Township being begun to be peopled though not filled with Inhabitants ; they or few of them being desirous to promote the publicke worshipp of God amongst them ; shalbe assisted by this Gov'ment, soe as that the charge to gett an able faithfull preacher of Gods word and to maintaine the same shalbe raised upon all the Chattles and lands or other rateables, of all the Propriators of any such place that is there found.

June.

Towns unable to maintain a minister to be assisted by government.

#### FINES PD IN SILVER.

Att the said Court it was ordered that all fines falling by the transgression of the lawes prohibiting the retailing of wines liquors beer or cyder without lycence ; and all fines for selling of wine beer liquors or cyder to the Indians shalbe payed in silver mony.

Fines for selling spirits without license to be paid in silver.

#### MEETING HOUSES BUILT REPAIRED & ENLARGED.

It was enacted by the Court that there be a publicke house or houses erected finished repaired and inlarged as there shalbe need, in every Towne and village in this Gov'ment allowed ; to sett up the worship of God in ; for the people in such respective places, to meet together for that end ; and in case the people of any such place shall refuse or neglect soe to doe ; It shall then be in the power of the Court ; to appoint or authorise a p'son or p'sons to build finish repaire and inlarge such said house from time to time as need may be ; according to the abillitie of the people of any such place ; re-

A house for public worship to be built and repaired in every town.

quiring men to make a rate or rates upon all the Inhabitants and proprietors, of any such towne or village ; To defray the charge of any such worke ; and alsoe to require the Constable to gather such rate or rates and make payment therof where it shalbe due for such worke.

Persons who have not taken the oath of fidelity not allowed to vote in town meeting.

Wheras complaint is made that the voateing of p<sup>r</sup>sons that have not taken the oath of fidelitty, doth much obstruct the carrying on of religion in the publicke weale—It is enacted by the Court that noe p<sup>r</sup>son whoe hath not taken the oath of fidelitty shall have libertie to voate in any Towne meeting untill hee hath taken the aforsaid oathe and that there shalbe a record of the names of all that have or doe take the said oath, and kept by the Clarke of every towne of their owne men that have taken the same.

Intruders in the colony to be warned to depart.

For the preventing of prophanes increasing in the Collonie which is soe provoakeing to God and threatening to bringe Judgments upon us ; It is enacted by the Court as an addition to our printed order Chapter 9<sup>th</sup> folio 30<sup>th</sup> That none shall come to inhabite without leave &c. and if any have or shall att any time Intrude themselves to inhabite any where within this Collonie, not attending the aforsaid order, shall forthwith be warned to be gon out of the Collonie, which if they shall not speedily doe, then every such offender shall pay five shillings p weeke for every weekes continuance in this Collonie after warning to be gon.

Penalty for affording accomodations to such persons.<sup>d</sup>

And if any of our Inhabitants shall att any time sell or heir out accomodation in this Collonie to any that have not according to Court order bin accepted into this Gov<sup>r</sup>ment, or otherwise entertaine any such Inhabitant they shalbe fined five or ten pound, or more according to the descretion of the Court ; hoping the Court wilbe carefull ; that whom they accept off ; are p<sup>r</sup>sons orthadox in their Judgments.

1679.

Att the Generall Court held by adjournment att Plymouth for the Jurisdiction of New Plymouth on the third of July Anno Dom. 1679.  
Actes and orders made and concluded as followeth.

#### SEALERS OF LETHER &C.

It is enacted by the Court and the authoritie therof That the



sealers shall make such within their limitts in any house shopp or ware house where they shall conceive such defective lether is to be sold or delivered whether made up into shoes boots or otherwise as oft as they shall thinke meet ; And seize all such leather or shoos. And any lether sold or offered to be sold brought or offered to be serched or sealed contrary to the true intent and meaning of this order ; the same to seize and retaine in his or their Custody and if the owner shall not submitt to the Judgment of such officer or officers ; shall within three daies ; call to him two or three honest and skillfull men in such waie to view the same in the p'sence of the ptie concerned or without him hee haveing notice therof whoe shall certify upon their oathes to the Court or some one of the Majestrates, the defect of the said lether ;

Sealers of leather required to search for defective leather.

And that the forfeiture of such lether or shoes as aforesaid one third thereof shall goe to the searcher, and the other two thirds to the plantation wherin the offence is comitted.

To whom the forfeiture accrues.

And if any sealler of Lether shall refuse with convenient speed to seale any leather sufficiently tanned wrought and used according to the true meaning of this order, or shall seale that which ought not to be sealed according to this order, shall forfeit for every such default twenty shillings.

Penalty for refusing to seal leather well tanned.

It is enacted by the Court &c To the intent, that the Countreyes affaires may be the better carryed on att the Generall Courts of election ; That the answare to p'sentments and thinges of like nature ; that may conveniently ; be referred to July Courts.

The answer to presentments made at the election court to be deferred to the July court.

#### OATHS.

It is enacted by the Court &c. That all publicke civill Officers have an oath formed for each office and brought to the printed booke.

Forms of oaths to be prepared for all civil officers.

It is enacted by the Court That the Secretary be yearly under oath.

The secretary required to take an oath of office.

It is enacted by the Court &c. That the deputie Gov<sup>r</sup> be under oath as such and therfore annually chosen.

The deputy Governor to take an oath of office.

#### EVIDENCES ON FILE NOT WRIT BY PARTYS.

It is enacted by the Court &c. That all evidences p'sented in the Court be kept upon the file ; and that henceforth none be admitted written by the plaintiffe or defendant or either of their Attorneys, but by some indifferent pson and in the witnesses owne words ; and alsoe strictly examined by Court or Majestrate as the case may require for the clearing of the truth.

Depositions to be written by a disinterested person and to be kept on file.

## COST AT COURT PD IN MONEY.

Costs of suits to be paid in silver.

It is enacted by the Court &c. That all costs of Court graunted in any action be payed in silver money as hath bine accustomed.

Where property cannot be found to satisfy on execution according to contract, other property may be attached.

It is enacted by the Court &c. That in all executions for the levy- ing of debts in specue according to contract and gathering of rates and fines as by order of Court is required—That where the specue will not be tendered nor cannot be found, there other goods levied or distrained shalbe sold att an outcry to procure the same upon pub- licke notice given therof.

## CONSTABLES POWER OF WATER BAYLEY.

Constables may distrain for rates without warrant, and may exercise the power of water bailiff.

It is enacted by the Court That the Constables are impowered without warrant to make distresse for all sorts of rates orderly made and comitted to them to collect. And that the Constables in the severall plantations shall have the power of Water Bayleys in the re- spective plantations where there is occasion for the same.

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1680.

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Att the third session of the Generall Court held at Plymouth the 28<sup>th</sup> of Septem. 1680.

## INDIANS.

Magistrates may give licence to sell powder, &c., to friendly In- dians.

It was ordered by the Court, that it shalbe lawfull for any of the Majestrates, to give a lycence to any English ; to sell to our frendly Indians such smale quantities of powder and shott, and to lend such armes to such of them, as such Majestrates shall see cause to lycence therunto ; under his hand ; which tickett shalbe a sufficient warrant to such English, any order of Court, to the contrary in any wise not- withstanding.

Ten pounds add- ed to the salary of the Governor.

It was voted by the Generall Court That our honored Gov<sup>r</sup> now in being shall have ten pounds in silver mony added to his yeerly sal- lery annually.

None allowed to carry oysters from Taunton river except in- habitants of the colony.

This Court doth order that all such as are not of our Collonie be heerby prohibited of feching oysters from Taunton River with boates or any other vessells and in case any such shall persist on in soe doe- ing after warning given to the contrary, 'This Court doth order John Hathway of Taunton and doe heerby impower him to make seizure of such boates and vessells for the Collonies use.

1681.

Actes and orders of Court made and concluded by the Generall Court at their second session att Plymouth the 7<sup>th</sup> of July Anno. Dom. 1681 as followeth.

## APPRISEMENTS.

For the apprisment of goods or other estate to be levied by distresse or execution, it is ordered and enacted by the Court ; That hee whose estate is to be prised, is to choose one apriser ; and hee that is to receive the estate prised, is to choose another appriser, and in case either neglect to choose ; then the Constable or marshall to choose one for him ; and if they two agree not, then the Marshall or Constable to be the third man ; and where the p<sup>r</sup>tye concerned refuseth to sett forth suitable estate, both as to nearnes of sume to be levied and to the specy due ; there the Constable or Marshall shall seize such goods as may best suite therunto : to be equally and indifferently prised according to the specye due and not overprised.

Goods taken by distress, how appraised.

Wheras there was an order to sell goods att an outery—In reference to the p<sup>r</sup>mises ; it is now by the Court repealed.

A former order relating to sale of goods by outery, repealed.

## ATTORNEYS ALLOWANCE.

It is ordered by this Court that there shall not be allowed above five shillings cost for any attorny or attorneyes to any one action—and where there shall happen to be but one attorney entertained but one day in any one action ; then to have two shillings and sixpence onely allowed him for cost therein.

Fees of attornies.

It is ordered by the Court that every Towne in this Jurisdiction choose three men to be joyned together with those of the Comission officers and their town Councill.

Three men to be chosen in each town to be joined to the town council.

Concerning Celect Courts wheras sometimes it falls out that the plaintiffe not residing in the same Towne where the case is depending They shall putt in Caution to repaire the defendant if found innocent before the plaintiffe hath summons graunted him.

Where the plaintiff does not reside in the same town where the suit is pending, he shall give security to the defendant for costs.

## SELECTMEN.

Wheras the law saith that the Celectmen shall have their pay att the bringing in of their verdict it is now ordered by the Court that they shall have their pay att the entering of the action.

Selectmen to be paid when the action is entered.

## SUMONS WITNESSES.

Selectmen may summons witnesses from other towns.

Whereas we find noe provision in the law to obtaine any witnes out of any other towne to bringe evidence in any case that is depending out of the Towne where the witnes lives, it shalbe lawfull for either plaintiffe or defendand to require a subpena of any Celectman of the same Towne where the witnesses live to require any pson to appeer before some one of the Celectmen of the same Towne ; to give evidence before some one or more—whoe shall convey it to the Celect Court of that Towne where the case is depending.

Penalty for refusing to testify when summoned as a witness.

If any pson be legally subpoenaed to give in his evidence before any Celect Court or Celectmen, and shall either refuse or neglect to give in his evidence, being capeable to give evidence in the case ; shall pay for every such default, a fine of twenty shillings ; to the use of the pte wronged ; for want of such evidence.

## MILITARY.

All offices in the military companies to be filled.

It is enacted by the Court in reference unto Milletary discipline That all the Milletary Companies in this Govrment be made compleat in theire officers of as able and fit men as they may be.

Soldiers to be furnished with a sword or cutlass.

It is enacted by this Court That every souldieer in this Jurisdiction that beares armes be with all convenient speed furnished with a compleat sword or cutlas.

## CHOICE OF SELECTMEN.

Selectmen how to be chosen and sworn.

It is ordered by the Court and the authoritie therof that the choise of Celectmen be specified in the warrants that are sent downe to the severall Townes for the choise of his Maties officers ; and theire names to be returned unto the Court under the Constables hand and to be called in Court to take theire oath as is in such case provided ; and if incase any providence prevent theire appeerance then to appeer before some Majestrate of this Govrment ; within one month after the said Court to take oath under the penalty of twenty shillings further it is enacted by this Court That each Towne of this Govrment doe provide a booke wherein shall be entered all those orders of Court as are or shalbe made for direction of said Celect Courts by the Secretary being first to enter all said lawes in each of the said bookes or send coppies therof to each Towne.

Each town to provide a book of records for the select courts.

The military officers directed to see that one fourth part of each company bring their arms to meeting on the Lord's day.

It is ordered by this Court that the Comission officers of the Milletary Companies of each Towne in this Govrment doe take care that one fourth pte of said Milletary Companies doe bringe theire armes fixed to the Meetings every Lords daye ; with every souldier bearing armes six charges of powder same shott viz begining from the

beginning of Aprill to the end of October yeerly and every year as well in times of peace as warr ; onely in times of danger they shalbe increased as the Milietary Comaunders and Towne Councell shall see cause and that such as palpably neglect or refuse to pforme theire duty therin shall forfeite two shillings for every such neglect ; and ten shillings incase it appeers to be in contempt ; To be gathered by order from the Comission officers to the Constable, and where it appeers that any doe ordinarily and p'posely keep from meeting because they would not bringe theire armes as aforesaid to be summoned to the Court to have such reasonable fines as to the Court shall seem meet, savinge such townes wherby agreement amongst themselves they have such a number of men proportionable to aforesaid order constantly to carry theire armes on every Lords day to the meetings.

1682.

Lawes and orders made by the Generall Court holden att Plymouth July the 7, 1682.

#### INDIANS.

With reference to the Indians for theire better regulating and that they may be brought to live orderly soberly and dilligently.

First—It is enacted by the Court and the authoritie therof, That in each Towne of this Jurisdiction where Indians live ; some one able descreet man be appointed by the Court of Assistants from time to time as oftens as need shall require to take the oversight and Gov<sup>r</sup>ment of the Indians in the said Towne according to such lawes orders and instructions as are or shalbe made and given by the Generall Court.

An overseer of the Indians to be appointed in each town where they live.

It is ordered by the Court that the said overseer with the Tithingmen in that Towne shall have power to heare and determine all causes that may happen betwixt Indian and Indian Capitalls and titles unto lands onely excepted alwaies allowing liberty of appeale to any pty greived att theire Judgment to the Court of Assistants.

The overseer and tithingman of the town may determine certain causes between the Indians.

It is enacted by the Court ; That the said overseer shall have power by warrant under his hand to comaund any English Constable in his Township and all Indian Constables whatsoever to arrest attack summons & serve executions on the body or goods of any of the Indians for any matter or cause that may in his Court be heard and determined.

The overseer may command constables to serve legal processes.

Every tenth Indian in each town to be chosen overseer of the other nine.

That in each towne where Indians doe reside every tenth Indian shalbe chosen by the Court of Assistants or said overseer yeerly whoe shall take the Inspection care and oversight of his nine men and present theire faults Misdemenors to the overseer which said overseer shall keep a list of the names of the said Tithingmen and those they shall have the charge of and the said tithingmen shalbe joyned to the overseer in the administration of Justice and in hearing and determining of causes and in case Tithingmen doe not agree with the overseer in case that may come before them in Judgment then the said overseer shall have a negative voyce and such case shalbe removed to be determined by the Court of Assistants.

Indian constables to be appointed annually.

That the Overseer and Tithingmen shall appoint Constables of the Indians yeerly who shall attend theire Courts and the said Constables shall obey all the warrants of the Overseer on such penalty as the Court of Assistants shall inflict.

Indians to pay such taxes as the court of assistants direct.

Every Indian shall pay such rates for his head and estate as the Court of Assistants shall appoint from time to time ; which rates shalbe made and proportioned by the overseers Court and gathered by theire Constables and payed to the Treasurer or his order.

All the Indians to be called together once a year, and have read to them the criminal laws.

That once every yeer the Overeer shall summons all the Indians within his Townshipp to meete together where and when he shall appoint and there shall hee cause to be read to theire understanding all the Capitall and criminall lawes of this Collonie that they may know and observe them.

The Indians to be subject to the criminal laws of the English.

That every Indian in this Collonie shalbe subject to all the Capitall and criminall lawes that are or shalbe made for the English of this Collonie and for breach of them suffer the same penalty wher noe other law is provided for them.

How to be punished for drunkenness.

All Indians for drunkenes shalbe severly punished for the first transgression they shalbe fined five shillings or be whipt for the second ten shillings or be whipt and soe for every time any of them shalbe convicted of drunkenes before any Court Majestrate Overseer Tithingman or English Constable.

The overseer directed to seize arms in possession of Indians.

As an addition to a law made in November 1676 prohibiting all such Indians as were our Enemies to beare armes It is further enacted That the Overseer of the Indians in each Towne shall take speciall notice and make Inquiry from time to time whoe of the said Indians have procured any English armes and seize the same for the use of the Collonie allowing one halfe of the vallow to the Informer.

No foreign Indian allowed to hunt in any town in the colony, except—

That noe foraign Indian of other Collonies or Plantations shalbe suffered to hunt in any Towne or Plantation of this Collonie without a pmitt from a Majestrate or the Celectmen of that Towne wher they

shall desire to hunt shewing for how longe they desire to stay ; on penalty of the forfeiture of all such furs and skins as they shall their gett ; nor shall any forraigne Indian have a p'mitt to hunt in this Colonie unlesse they bring a certificate from the place whence they came.

Wheras the Indians by their disorderly removing from one place to another live idly and on the labours of others and spend their time to noe profit—It is therefore enacted by the Court that noe Indian whatsoever shall remove from one place to another without a p'mitt in writing from his overseer declaring for what cause or how long and whether hee or they are going ; and if any Indian shall remove from one place to another without his p'mitt hee shall be taken up by the Constable of that place where such wanderer shalbe found, and carryed before the next overseer whoe shall cause him to pay a fine of five shillings or be whipt ; and sent home to his owne place ; and where noe overseer is to be found the English Constable in that Towne where such Indians are to be found as aforesaid shall execute this office as the overseer above named might doe nor shall any Indians remove from one place or plantation to another ther to abide above three dayes but shall goe to the overseer of that towne wher hee is removed for his p'mitt ; declaring for what cause hee came thither and how longe hee or they desire to stay ; and if any Indian shall stay in any place without a p'mitt in writing as abovesaid hee shalbe fined five shillings or be whipt and alsoe sent backe to the place of his former abode.

No Indian allowed to remove from one place to another without leave of the overseer.

Forasmuch as the office of an Overseer is & wilbe burthensome and chargable It is therefore ordered that hee shalbe allowed out of the publicke Treasury a yearly sallery.

The overseer allowed a salary out of the public treasury.

The said overseers and Constables shalbe accomptable to the Treasurer for all Indian rates and fines ; And that all English and Indian Constables shalbe payed by the overseers for serving warrants in Criminall cases and inflicting of punishments on the Indians out of the Indian fines or rates.

It is enacted by the Court and the authoritie therof ; that if any Indian whoe is a servant to the English shall run away amongst any Indians such Indians whither such a runaway Indian is come shall forthwith give notice of the said Runaway to the Indian Constable who shall Imediatly apprehend such Indian servant ; and cary him or her before the overseer or next Majestrate whoe shall cause such servants to be whipt and sent home by the Constable to his or her master whoe shall pay said Constable for his service therein according as the Majestrate or overseer whoe sent such servant home shall judge meet.

Runaway Indian servants to be whipped.

The Governor  
requested to take  
the general  
charge of the  
Indians.

This Court doth request our Honored Gov<sup>r</sup>. that now is ; to take the Generall oversight & inspection of the whole affaire of the Gov<sup>t</sup>-ment of the Indians in such manor ; as by the law is or shalbe prescribed from time to time and to take care of the Preaching of the Gospell amongst them ; and admitting such of the Indians to preach to them as hee shall thinke fittest for that service ; and alsoe to distribute amongst them ; what for that end comes yearly from England and is allowed to them by the Comissioners of the United Collonies in such manor as hee shall see meet.

#### DEBTS WHAT PROOFE &C.

Merchants' books  
of account if  
sworn to, to be  
regarded as evi-  
dence of debt.

Wheras divers Marchants Shopkeepers Tradsmen and Handicrafts-men have traded sold and trafficked their goods wares and Marchanteice to divers psons in private and their Costomers oftens sending for such thinges as they need by children and servants under age &c wherby such marchants shop keepers and Tradsmen have noe opportunity to take bonds bills or witnes of the delivery of their goods Yett just it is that such dealers should be duly payed for their wares and marchantice It is therfore enacted that all and every marchant shop keeper dealler &c. shall keep a book of their dealing and trading fairely writteng downe therein both debt and credit and the said Marchants their factors or servants or any of them that shall deliver any such wares or marchandice ; making oath that the said Booke of accountps is true both for debt and credit ; such booke of accountps shalbe held sufficient in law for the recovery of any debt within four yeers after the delivery of any such goods ; But if the defendant will take his oathe that hee had not those goods charged in the booke or account ; or that hee hath payed for the same ; then the case shalbe tryed and determined according to the best and strongest presumptions the p<sup>ties</sup> concerned shall produce.

#### FENCES EQUALLY MADE &C.

Division of fences  
shall be made by  
adjoining propri-  
etors in equal  
proportions.

For the settleing and maintaining of right amongst Naighbors about fences It is enacted by the Court and the authoritie therof That all such psons as doe or shall make improvement of their land by tilling moweing or grasing which doth or may lye and be adjacent to the lands of any other whoc make improvement of their land afor-said ; The one propriator or improver shall make and maintaine one halfe of the fence and the other the other halfe of the fence in the line or range between the said land ;

And where one pson shall improve his land before his Neighbour and make the whole fence himselfe ; if afterward his said Neighbour



shall improve his land alsoe hee shall pay his Naighbour for halfe the fence against his land ; according to the present value of it and shall maintaine the same, and if any such pson shall cease to improve his land as aforesaid then any pson that hath joyned fence shall have liberty to purchase his p'te of the fence that seaseth to improve paying him according to present vallew by apprisement of indifferent psons.

And when any psons shall make improvement of their land lying together ; and either of them shall refuse or neglect to make or maintaine one halfe of the fence between their land lying together as aforesaid ; The ptye makeing the whole fence in the line or range as aforesaid shall cause the same to be viewed and apprised by psons mutually chosen by him and his naighbour ; but if the naighbour whoe refuseth to fence shall refuse to chose any to view and apprise the fence then hee that made the fence shall have liberty to make choise of indifferent psons to view and apprise the said fence ; and the pty refusing or neglecting his halfe of fence shall pay to him that makes and maintaines it the full vallue of his cost and charges for said halfe from time to time to be recovered by due course of law in any Court proper for the same provided this law be not binding to such as have their land lye together in a comon feild in such case if any pson fence in his land intirely hee shall doe it wholly att his owne proper charge.

If one of the proprietors neglect to make the fence the other may make the whole, and recover the cost of the delinquent.

As an addition to the printed law allowing libertie to men to cleare themselves by their oath incase of being acused for selling strong drinke to the Indians It is ordered That noe English pson that is acused by an Indian for giveing selling &c strong drinke to them shall be put to sweare further than the pticular accusation.

A person clearing himself by oath from the charge of selling strong drink to Indians, shall not be required to testify further than the accusation.

The law made July 1673 about horses ; viz the two latter clauses of it allowing the killing of them is repealed.

The law respecting horses in part repealed.

The law prohibited the catching of fish before they have spaumed is to be revived by the Comissioners att their next session.

The law relating to the catching of fish revived.

#### HORSES.

Wheras complaint is made that divers psons in disorderly manor have taken up horses as strays which were then runing in the woods for prevention wherof for the future it is enacted that noe pson shall take up any horse kind as a stray ; which is taken runing in the woods between the first of Aprill and the first of December yearly, on penalty of ten shillings fine to the Collonie besides damage to the owner of such horses.

No horses running in the woods to be taken up as strays, between the first of April and Dec.

#### DIVIDEING LANDS.

Wheras in divers Townes and places of this Collonie there are

Proprietors of common lands may meet and as a body transact business.

severall Tracts of land which belong to and are held by divers psons in comon as the propriators therof and noe order hath bine yett made for theire orderly meeting together to devide the said lands or to make orders for the settlement of the same ; It is therfore enacted that where need doth require in any such place or Towneshipp ; if the matter doe not concern the Towne as a Towne in Generall upon request made by the said propriators or some of them to any majestrate of this Collonie an order shalbe graunted them to warne all the propriators belonging to any such Towne to come together att some certaine time and place to transact such matters as may concerne them and what shalbe lawfully acted att such meeting by the propriators or the major pte of them shalbe vallid and binding.

#### EXCEPTIONS AGAINST JUDGE OR JURY.

A judge who is related to, or connected with a party, not to pass sentence.

It is enacted by the Court That in every case of civill nature between pty & pty where there shalbe soe neare relation between any Judge and either of the ptyes as father and son by nature or by marriage brother and brother Unkel and Nephew Landlord and Tenant such Judge though hee may give reasonable advice in the case yett shall hee not have power to centance therein as a Judge.

#### ORDINARY KEEPERS ALLOWED BY YE TOWNS.

None to keep an ordinary without the approbation of the town where it is located.

It is enacted by the Court and the authoritie therof that none shalbe allowed to keepe an Ordinary or publicke house of entertainment but such as first be approved soe to doe by the Townes wherin they live.

#### SWINE.

Swine to be ringed.

Wheras complaint is made of much damage don by swine rooting up meddowes and Inclosures—for the prevention wherof it is ordered and enacted that on notice given to the owners of such swine from the pty damnified, said owners shall forth with ringe or cause to be sufficiently ringed all such swine ; on penalty of one shilling to be payed for every such swine that shalbe found unringed after warning given by the wronged pty ; and as often as the owner of such swine shalbe warned to ringe them and neglect it.

#### SHIPWRACKE.

The persons and goods of such as are wrecked on the coast to be protected.

It is enacted that if any Shipp or vessell be it frind or enemy shall suffer shipwrake upon our Coast there shalbe noe violence used nor wrong offered to theire psons or goods but theire p'sons shalbe re-

leived & haboured and their goods preserved in safety untill authoritie may be certified and give further order therein.

## ORDINARYS.

It is enacted that in every place where week day lectures are kept, all victuallers and ordinary keepers shall cleare their houses of all persons able to goe to meeting during the time of the exercise except in extraordinary cases for the necessary reliefe of strangers unexpected repairing to them on penalty of five shillings for every such offence.

On lecture days ordinary keepers shall clear their houses of such as can attend meeting.

## SERVILE WORKE &amp;c. ON DAY OF HUMIL: &amp;c.

It is enacted that none shall presume to attend servile worke or labour or attend any sports on such dayes as are or shalbe appointed by the Court for humiliation by fasting and prayer or for publicke Thanksgiveing, on penalty of — shillings.

None to do any servile work on days of Fasting and Thanksgiveing.

## SABBATH.

To prevent prophanation of the Lords day by foraignors or any others unnesesary travelling through our Townes on that day ; It is enacted by the Court that a fitt man in each Towne be chosen unto whom whosoever hath nessesity of travell on the Lords day in case of danger of death or such nessesitous occasions shall repaire and making out such occasions satisfyingly to him shall receive a Tickett from him to pas on about such like occasions which if the traveller attend not unto ; It shalbe lawfull for the Constable or any man that meets him to take him up and stop him untill hee be brought before authoritie or pay his fine for such transgression as by law in that case is provided ; and if it after shall appear that his plea was false then may hee be apprehended att another time and made to pay his fine as aforesaid.

Penalty for travelling on the Lord's day.

## FORAIGNERS &amp;c.

It is enacted that all foraigners that sell Liquors their vessel shalbe confiscate until their fine is payed.

Penalty for foraigners selling liquors.

## PRESSE ARTIFICERS TO REPAIR PRISONS &amp;c.

It is ordered That the Govr. or any of the Assistants shall have power to presse men Artificers or others to make or repaire prisons or other Instruments of Justice and to order their payments att such reasonable rates as for other worke is accustomed and the Court of Majestrates is to order the pay of such as are employed in any occasions for the Countreyes use.

The Gov. or any of the Assistants may impress persons to make or repair prisons.

## WITNESSES.

**Fees of witnesses.** The order Chapt 4. Secti. 5. for two shillings six pence p day for witnesses shall be intended onely for such as for the waight of the matter are justly required to make theire psonall appeerance att Court ; other witnesses on oath are to have but one shilling & six pence a day.

## INDIANS NOT TRUSTED.

**No Englishman to trust an Indian.** It is enacted that noe Indians heerafter shalbe trusted before hand for any thing by any English on penalty of being barred the recovery of any debts by action or plaint.

**Penalty for buying guns, &c. of the Indians.** It is enacted by the Court that none shall prsume to buy any guns tooles clothes or any other goods of the Indians under the penalty of his returne of said guns tooles clothes or other goods to the right owners therof from whom they were borrowed stollen or p'loyned by any Indian.

## ASSIGNMENTS.

**Debts assigned shall be as good to the assignee as to the assignor.** It is enacted by the Court that any debt dew by bill or specialty to another shalbe as good a debt to the Assignee as it was to the Assigner and as recoverable by suite provided the assignment be under the Assigners hand ; and witnesses therunto.

## FRAUDULENT CONVEYANCES.

**Fraudulent conveyances void, as against creditors.** It is enacted by the Court and the authority therof That all deceiptfull or fraudulent allianations of lands or other estate shalbe of noe vallidity to defeat any man from any due debts just clame title or posession of that which is so fraudulently gotten.

## DURESS.

**Conveyances obtained by duress to be void.** It is enacted by the Court That noe conveyance deed or promise shalbe valled which is gotten by illegall violence imprisonment threats or forcible compulsions.

## TOWN BOUNDS.

**The bounds of each town to be set out within 12 months.** It is ordered by the Court That every Towne doe procure theire bounds to be sett out within twelve monthes after the end of this Court by such p'sons as the Court of Assistants shall appoint to lay out the same—wher such bounds are not alreddy layed out and to deside any difference where they are alreddy layed out that may arise between any prties concerned therin: whether the Townes Country

or any other psons to whom any lands are graunted saveing to the greived pty his remedy att law. And that in every towne the towne or Celectmen appoint two or three psons whoe on notice given to or by the adjacent Townes shall once in every two or three yeares goe to the bounds between them to view and renew their bound which shalbe a heape of stones or a trench of six foot long a foot and an half deep and two foot wide upon paine of five pounds for every towne that shall neglect the same; and that each propriator of lands in any Comon feild or lying unfenced that shall not once in the yeer or in two yeer; on warning given him by his naighbour attend the meeting to keep up the bounds betwixt them which shalbe sufficient meet stones shall forfeite ten shillings for such default; the one halfe to the pty moving and the other halfe to the Country and that two or three men shalbe appointed by each Towne to deside the controversy or difference between the neighbours or between the Towne and any of the Inhabitants about the bounds of their lands; saveing to the greived pty his remedy in law.

Bounds to be renewed and lines run once in three years.

Persons having land in a common field shall fix their bounds.

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### 1683.

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This Court doth order that Swansey and Middlbery shall chose some for Officers To lead their Milletary Companies and Instruct them in Marshall disiplyne and that orders to each of those Townes to send such to the Court as they shall see Cause to choose.

June.  
Swansey and Middleborough directed to choose military officers.

This Court taking Notice of the neglect of some Townes and Milletary Companies, in not choosing of Milletary comaunders according to order of Court; when they have bin required therunto; by warrant from the p'sident of the counsell of warr This Court therefore orders that if any Towne and Milletary Companie in the collonie shall neglect to choose Milletary comaunder or comaunders which they shalbe required according to former order of the Court to choose by warrant from the p'sident of the counsell of Warr that the counsell of Warr shall appoint such comissioners officer & officers in such Townes and Companies as they shall Judge Meet and nessesary.

If the towns and military companies shall neglect to choose officers, the Council of War may appoint them.

That the Poor May be provided for as nessesity requireth; This Court ordereth that the Celectmen in each Towne shall take Care and see that the poor in their respective Townes be provided for; and are heerby Impowered to relive and provide for them according as nessesitie in their descretion doth require and the Towne shall defray the charge thereof.

The selectmen in each town to provide for the poor.

The law prohibiting Indians from coming to Plymouth revived.

This Court have ordered that the law prohibiting the Indians att Court times to come to Plymouth shalbe revived and put in execution forthwith.

Where parties to an action in the select courts live in different towns, the action may be brought in either of those towns.

It is enacted by the Court that all actions of debt proper to any of the Celect Courts where the plaintiffe lives in one Towne and the defendant in an other shall be tryed and determined in either of the said Townes where the plaintiffe pleaseth, and all actions proper to any of the celect courts against Strangers & non residents; and p'sons living out of Townshipes shalbe tryed in any of the Celect Courts; where the plaintiffe shall Choose; and the Celect men shall have power to Graunt Summons or attachments to the p'tyes or Constables of Townes in the said cases att any plaintiffes request; and to Graunt executions as in other cases in their owne Townes they by law may doe.

1684.

July.  
All necessary highways to be laid out at the expense of the towns through which they pass.

This Court taking into consideration ye inconveniency likely to ensue by persons erecting fences gates or barrs on thwart Contry high wayes to ye annoyance of travellers doe therefore enact & be it heerby enacted that all necessary Country wayes within this Colony shall betwen this time and next October Court be laid out by a jury wher it is not already so done at ye charge of ye respective Townes thorow whose lands or Townships such wayes may lead & that an account thereof with ye severall bounds of each such way in every of said Townes shall be presented or brought to ye Clarke of that Towne on penallty of five pounds to be forfeited & paid by such Towne as shall neglect the performance thereof.

Penalty for obstructing highways.

And that the Clarke of each Towne send a true Copy of such account to ye publicke Secretary who shall forthwith committ such copies to publick record to ye end that such wayes may be certainly knowne And that after s'd October Court if any p'rson or persons shall presume to sett any fence barrs or gate on thwart any such high way without ye consent of ye Generall Court he or they shall for every such offence shall forfeitt to ye use of ye Colony ye sum of five pounds.

The surveyor of highways to remove all obstructions on them.

And that after said Court if any such obstruction shall be made or maintayned in or upon any such way without leave as aforesaid it shall be ye care & duty of the surveighers of wayes in each Towne to remove all such obstructions & to demolish such publicke nusances.

An act for the restraining and punishing privateers and pirates:

Whereas nothing can more contribute to his sacred Maties hono<sup>r</sup>, than that such articles as are concluded and agreed on in all treaties of peace should by all his Maties subjects according to their duty & be most inviolable preserved & kept in and over all his Maties Dominions and Territories, and whereas not onely against such treaties of peace made by his matie with his allies, but also contrary to his Maties Royall proclamations severall of his subjects have and doe continually go of from this Colony into forreigne princes service & sail under their Commissions contrary to their duty & good allegiance, And by fair meanes cannot be restrained from soe doing;

Be it therefore enacted by this Generall Court & authority therof, and it is hereby enacted by the authority of y<sup>e</sup> same, that from and after publication hereof it shall be felony for any person, which now doth or within four years last past heretofore hath or hereafter shall inhabitt or belong to this Colony to serve in America in an hostile manner under any forreigne, or any employed under any of them against any other forreigne prince state or potentate, in amitie with his Matie without speciall licence for so doing, under y<sup>e</sup> hand and seal of y<sup>e</sup> Gov<sup>r</sup> or Comaunder in chiefe of this Colony for y<sup>e</sup> time being, And that all and every such offender or offenders, Contrary to y<sup>e</sup> true intent of this act, being thereof duly convicted in any of his Maties Courts of Judicature within this Colony to which Court authority is hereby given, to hear & to determine y<sup>e</sup> same, as in other cases of felony, shall suffer pains of death without benifit of the Clergy, Provided nevertheless that this act; nor any thinge therein contained shall extend to any p<sup>r</sup>son or p<sup>r</sup>sons which now are or have been in the service or employment of any forreigne prince state or potentate whatsoever that shall returne to this Colony & leave or desert such service & imployment before the 10th day of Decemb. next ensuing, rendring themselves to the Gov<sup>r</sup> or chiefe commander for y<sup>e</sup> time being, and giving him such securitie as he shall appoint for their future good behavior, and alsoe they shall not depart this Colony without y<sup>e</sup> Gov<sup>r</sup>s leave.

And for y<sup>e</sup> better and more speedy execution of justice upon such, whoe haveing comited treasons piracies felonies & other offences upon the sea shall be apprehended in or brought prisoners to this Colony, Be it further enacted by the authority aforesaid, that all treasons felonies piracies robberies murders or confederacies committed or that hereafter shall be committed upon the sea or in any Haven Creeke or Bay shall be inquired tryed heard determined & judged within this Colony in such like forme as if such offence had been comitted in & upon ye land, and to that end and purpose commissions shall be had

Every inhabitant of the colony engaged in war against a friendly power without leave of court declared guilty of felony.

Persons committing piracy, &c., on the high seas, to be tried in the colony.

Commission under the great seal to be directed to the judges of the admiralty to try persons for piracy, &c.

under ye great seal of this Colony directed to ye Judge or Judges of ye Admyty of this Colony for ye time being & to such other substantiall peassons, as by his Maties Gov<sup>r</sup> or comander in chiefe for ye time being shall be named, or appointed, which said Comander or such a Quorum of them, as by such comissions shall be therunto authorized, shall have full power to doe all things in & about ye inquiry, hearing, determining, adjudging, & punishing of any of ye Crimes & offences aforesaid, as any Comander to be appointed by Commission under ye great seal of England, by vertue of a statute made in ye 28<sup>th</sup> yeare of the Reigue of King Henry ye 8<sup>th</sup> are impowered to doe & execute within ye kingdom of England, and that ye said offenders which are or shall be apprehended in or brought prisoners to this Colony shall be lyable to such order process judgment & execution by virtue of such comission to be grounded upon this act as might be awarded or given against them, if they were proceeded against within ye realme of England by vertue of any Commission grounded upon the said statute.

The proceedings of the admiralty court in such cases declared legal.

And all tryalls heretofore had against such Criminall or Cryminalls before any judge or Judges by virtue of such Commission or authority at any time heretofore granted; and all proceedings thereupon are hereby ratified confirmed & adjudged lawfull, and all such Judges with all & every ye Inferiour officers, that have acted therby are hereby indemnified to all intents & purposes whatsoever and in case they or any of them shall at any time hereafter be sued vexed or molested or troubled for any such their proceedings as aforesaid hee or they soe sued vexed or molested shall plead ye general issue & give this act in evidence any law, statute, custome or usage to ye Contrary in any wise notwithstanding; And be it further enacted by ye authority that all & every person or persons that shall any way knowingly entertaine, harbour conceale trade or hold any Correspondence by letter or otherwise with any person or persons, that shall be deemed or adjudged to be privateers pirates or other offenders within ye construction of this act, and that shall not readily endeavour to ye best of his or their power to apprehend or cause to be apprehended such offender or offenders shall be lyable to be prosecuted as accessaries & confederates & to suffer such paines & penalties as in such case by law is provided.

Who are accessaries.

Commissioned officers required to call out armed men to take pirates, &c.

And for ye better & more effectuell execution of this act, Be it further enacted by ye authority aforesaid that all comission officers, in their severall precincts within this Colony are hereby required & impowered upon his or their knowldg or notice given that any privateers, pirates, or other persons suspected to be upon any unlawfull designe or in any place within their respective precincts to raise &



levy such a number of well armed men as he or they shall thinke needfull, for y<sup>e</sup> seizing apprehending & carrying to gaol all every such person or persons, & in case of any resistance or refusall to yeild obedience to his Maties<sup>s</sup> authority it shall be lawfull to kill or destroy such persons and all and every person or persons that shall oppose or resist by striking or firing upon any of y<sup>e</sup> commanded parties shall be deemed taken and adjudged as felons without benefitt of y<sup>e</sup> Clergy and every such officer that shall omitt or neglect his duty herein shall forfeit fifty pound, current mony of this Colony for every such offence, to be recovered in any of his maties. Courts of record within this Colony by bill plaint or information & wherein no Essign wager of law or protection shall be allowed, one moyety therof to be to our soveraigne Lord y<sup>e</sup> king his heires and successors for toward the support of y<sup>e</sup> govrment of this Colony & y<sup>e</sup> contingent charges therof & ye other moyety to ye informer, and all and every person or persons that upon orders given him or them shall refuse to repaire immediately with his or their armes well fixed and amunition to such place or places, as shall be appointed by y<sup>e</sup> said Officer & not readily obey his command in y<sup>e</sup> execution of ye premises shall be lyable to such fine, or Corporall punishment as by a regimentale Court martiall shall be thought fitt.

Penalty for neglect.

In pursuance of his Maties, speciall comand this act was roated by the Generall Court held at Plimouth July 4<sup>th</sup> 1684; sumoned together for that occasion.

Nemine Contradicente.

Be it enacted by this Court and the authoritie therof that the Govr ; for the time being with three or foure of the assistants and such other substantiall p<sup>r</sup>sons as the Govr for the time being shall commisionate under the seale ; of this Collonie shall have full power to acte as a Court of Admirallity ; for hearing trying and determining all matters and causes which by said acte are to be tryed therby ; or by a Quorum of them, as by said Comision shalbe authorised ; either by themselves alone or together with or by a jury Impannelled for such tryall as the case may require.

Court of admiralty, of whom to consist.

This Court takeing into theire serious consideration the great damage that this Colonie and our naighbours is likely to sustaine by the catching of Mackerell with netts and saines att Cape Codd, or else where neare any shore in this Collonie to the great destruction of fish and to the discouragement of severall fishermen ;

This Court doth therefore enact and be it heerby enacted by the authoritie therof That noe p<sup>r</sup>son or p<sup>r</sup>sons whatsoever after the publication heerof shall catch or draw on shore any mackerell, with nett or netts, sayne or saines in any p<sup>r</sup>te of this Collonie, and if any p<sup>r</sup>son

Catching mackerel by seins forbidden.

Penalty, &c.

or p'rons shall heerafter presume to catch any Mackerell by setting or shoolding any nett or saye every such p'rson or p'rsons soe offending as aforesaid shall forfeitt for his or theire said offence all such netts or saynes as shalbe soe improved; and all such mackerell as shalbe soe caught; by him or them; and shall alsoe forfeite every such vessel and all such vessells or boates as shalbe employed therin; whether catch sloop or boat as shalbe employed in taking or carrying away any such fish, if att any time the p'rson or p'rsons soe offending be taken within the Govrment; or the vallue thereof, the one moiety to the Collonie and the other moyety to the informer, that shall prosecute the same; And for the better execution of the said law, power shalbe given by some one or more of the magistrates by warrant to some fitt man to acte as a water bayliff to make seasure of any such forfeitures as aforesaid.

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1685.

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James II proclaimed.

The twenty fourth of Aprill 1685 James the second; Kinge of England Scotland France & Ireland &c. was solemnely proclaimed at Plimouth according to the form required by his Majesties most honorable privy Councell.

July.  
Indian corn to be  
estimated at two  
shillings per bush-  
el in paying pub-  
lic officers.  
Sec'y's salary.  
The county of  
Plymouth to have  
the use of the  
public buildings  
at Plymouth.

Voted that Indian Corne for defraying publicke Charge & payeing all publicke Officers be att two shillings sixpence p<sup>r</sup> Bushell.

That the Secretaryes wages be fifteen pounds a year, In Corn att two shillings p<sup>r</sup> Bushell.

The Court have ordered that the County of Plimouth shall have the use of the lower roomes of the Country house at Plimouth; to keep their County Courts in; & the use of the Countryes prisson at Plimouth to committe prissoners into without being charged as a County for repaire of the same; During the time the County Courts shall be held at Plimouth.

Dartmouth ordered  
to raise £20  
for support of  
public worship.

Ordered That Dartmouth pay this yeare twenty pounds to be raysed according to law for the encouragem<sup>t</sup> of som to preach the word of God among them; or otherwayes to be disposed of according as the law hath provided.

1686.

New Plimouth acts and orders made at the Generall Court in June 1686.

1. Ordered by this Court and the authority therof that at the end of this Sessions of the Generall Court the Lawes that have been lately printed and having been ordered sometime since to be published in the severall Towns shall be of force and put in execution having respect to such additions and alterations as shall be made by this Court.

The printed laws to be in force.

2. Ordered that the Magistrates and associates that are to keep Court in the Severall Countyes meet in their severall County Towns, upon the third Tuesday in this Instant June, and that the Magestrates then present give the oath to the severall Associates three or more appearing having taken their oaths shall be a Court and shall then chuse their officers and settle such matters as are necessary in their severall Courts; and act and doe in all matters as may come before them that lyes in the power of a County Court trying of actions at these next Courts onely excepted who shall together with the deputies of the severall Towns of the County or the Major part of them agree and conclude about a prison where there is any to be built and determine the charge & agree about the proportions the severall Towns shall pay towards it.

The magistrates and associates, when to meet to hold a court.

3. Ordered that the Grand Jury men who are chosen for this next year appear at their severall County Towns upon the third Tuesday of this Instant to take their oaths and receive their charge. And that the severall Towns shall make up what is wanting and send according to this following order, Plimouth three Duxborough two Scituate four Marshfield three Bridgwater two Middleborough one Barnstable three Yarmouth three Sandwich three Eastham three Monomoyet one Succonessett one Scippecon one; Bristoll three Taunton three Rehoboth three Dartmouth two Swansey two Little Compton one Freetowne one.

Grand jurors, when and where to meet.

How many shall be sent from each town.

4. Ordered &c. That the first Tuesday in July next be a Court of Assistants or Tryalls and actions may therein be tryed and all Cases depending Issued and all such Causes or actions that have been heard or tryed at any Court of Assistants or magistrates formerly; and the persons Concerned see Cause to review their actions shall doe the same at a Court of Assistants; anything in any law to the Contrary notwithstanding.

Court of Assistants, when held.

Plymouth County Court, where held.

5. Ordered that at such time as the Major part of the freemen of Plimouth County shall desire it the County Court for Plimouth shall be kept at such place in the County as the said freemen shall agree on.

No magistrate to try a civil action in a town where neither of the parties live.

6. Ordered that in Civill actions no one magistrate shall have power to try the Case out of such Towne where the Plaintiff and defendant both liveth any thing in any law to the Contrary notwithstanding.

In counties where there are not sufficient magistrates, associates may be chosen to exercise the same powers in their counties.

Ordered that in such Countys as there is not a sufficient number of Magistrates there shall be annually chosen by the Generall Court so many Associates as they shall see need of who shall sit in and act in the County Courts as the magistrates may ; and have the power of magistrates in their respective Countys ; it is ordered that such Associates soe Chosen shall take the same oath the magistrates doe having respect to the difference of their place and power.

Wheras there are sundry tracts of lands held by divers persons in Comon as the proprietors therof and there may be occasions for a meeting of the severall proprietors for to divide lands or make orders among themselves that may be for their good.

Meetings of proprietors of common lands, how notified, &c.

It is therefore ordered that when such purchasers or a considerable part of such purchasers shall desire the same of any magistrate they makeing appear some considerable occasion for such a meeting sd magistrate shall give order to warn a purchasers meeting and appoint the time and place: And what orders shall be leagally made among themselves or by the major part of them shall be valid and binding: And such a meeting shall be accounted lawfully warned if the said order procured for that end be sett up publickly and endeavoured to be kept up publickly at the house where such meeting is to be, Twenty days before the time of such meeting: And if any of the particulars or sundry of them have any just cause of complaint or suit against the rest it shall be sufficient in law to bring their Complaint to a hearing or suit or action to a tryall to attach any of the undivided lands of such purchasers and the Constable to summons some of the purchasers for themselves and in behalf of the rest, to answer the same: And alsoe the Complainers to post up such summons twenty days before the time of hearing such Complaint or tryall at such place where there last purchasers meeting was held.

Complaints, how determined.

The general muster dispensed with.

Agreed on by the General Court that there be no Generall Training or regimentall muster in this year 1686.

Delinquents in military companies, how tried, &c.

Ordered &c. that in each Millitary Company a Comittee be Chosen by the Company consisting of so many men as added to the Commission Officers of such Company will make the number five

who shall have power with the Comission Officers to judge delinquents determine & dispose of fines for the good of the Company, and to inflict millitary punishment upon offenders according to law as occasion may require.

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NOTE.—There are no records from 1636 to 1639, during the government of Sir Edmund Andros.

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1689.

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At their Ma'ties Generall Court of Election held at Plimouth for the Colony of New Plimouth on the first Tuesday in June 1689:

Wheras through the great Changes divine providence hath ordered out both in England and in this Country we the loyall Subjects of the crown of England are left in an unsettled estate destitute of Government, and exposed to the ill consequents therof: And having heretofore enjoyed a quiet settlement of Government in this their Ma'ties Colony of New Plimouth for more than threescore and six years without any Interruptions; having also been by the late Kings of England from time to time by their royall letters Graciously owned and acknowledged therein: whereby notwithstanding our late unjust Interruption and suspension therefrom by the Illegall arbitrary power of Sr Edmond Andros now ceased, the Generall Court held here in the name of their present Ma'ties William and Mary King and Queen of England &c. Together with the encouragement given by their said Maties gracious declarations and in humble Confidence of their s<sup>d</sup> Maties good likeing: Doe therefore hereby resume and declare their reassuming of their said former way of Government according to such wholesome Constitutions rules and orders as were here in force in June 1686 our title therto being warranted by prescription and otherwise as aforesaid; And expect a redy submission therunto by all their Maties good subjects of this Colony untill their Maties or this Court shall otherwise order.

Former government resumed.

And that all our Courts be hereafter held and all warrants directed and Officers sworne in the name of their Maties William and Mary King and Queen of England &c.

The Generall Court request the Honourable Govern<sup>r</sup> Thomas Hinckley Esq<sup>r</sup>, in behalf of s<sup>d</sup> Court and Colony of New Plimouth to make their adress to their Maties, the King and Queen of England

The courts to be held and the officers sworn in the name of the King and Queen of England.

A committee chosen to prepare an address to the King and Queen.

&c; for the reestablishment of their former enjoyed liberties and privileges both sacred and civil.

Also to attempt to recover the public seal.

And also to endeavour the regaining of our publique seal if it may be. And if other wise to procure a new one and this Colony defray the Charge of it.

Towns directed to choose selectmen.

Ordered by the Generall Court that in such Towns where the selectmen are not accepted or are not yet Chosen, that such towns make a new Choyce out of the freemen of such Town; and the persons so chosen to appear before some magistrate and take the oath usually administered in such case.

The constables of 1686 directed to account for the taxes they had received.

Ordered the Constables of the year 1686 be accountable to the Treasurer for the Country rates comitted to them and that the Inhabitants of the Towns that paid not the rates of s<sup>d</sup> year to the Constables pay them or for neglect they make distress for the same or so much thereof as is unpaid.

The constables directed to collect a tax for the payment of the bounty on wolves.

And for as much as there were rates made in the severall Counties in the late Government for payment of wolves heads and other County debts; Ordered that the severall Constables accompt with the late sheriffs or County Treasurers, and what is unpaid to pay in to them: And if any rates unpaid to the Constable he to demand the same & for refusing or neglecting to pay the same they to make distress.

The sheriff and county treasurers to account.

Also ordered that the sheriffs or County Treasurers of the severall Counties under the late Govern<sup>t</sup> give in an accompt of all moneys received and paid belonging to the King or County to such Committee as this Court shall appoint to receive and adjust the same.

A committee appointed to ascertain who had property belonging to the colony.

The Court have appointed John Walley Esqr. Lieu<sup>t</sup> Ephraim Morton John Bradford Isaac Cushman and John Barker or any three of them to make enquiry concerning any goods or estate of the Colonies that may be in the hands of any persons, and to require and take account of such persons concerning the premises and give accompt thereof to the Court; Also to accompt with the Treasurer and the late County Sheriffs or County Treasurers with respect to rates or fines money or other estate any ways belonging to the King or Countrey or County. And s<sup>d</sup> Countrey Treasurer County Sheriffs and County Treasurers are ordered and required to accompt with s<sup>d</sup> Committee accordingly.

The old military officers to continue in their places.

Ordered by this Court and the authority thereof that the Chief Commanders of each regiment as was in the year 1686 before the late alteration of Government be Continued in their several places and have the same power they had by their severall Comissions at that time and are so to continue untill this Court doth otherwise order.

As also that the Captains Lieu<sup>ts</sup>, and Ensignes or so many of

them as are living that were in Comission in the year 1656 before the alteration of the Government be also continued in their severall places and have the same power they had by their severall Comissions at that time and are so to continue untill this Court shall further Order and in the mean time such Towns as had not then Officers Comissionated at that time or where any Officers are since dead for a supply of all such Towns they are in the severall Towns to make Choice according to law of such Officers as are or shall be wanting ; and to present them to the Generall Court for approbation by the first opportunity. And for as much as the Towns of Marshfield & Swansey have manifested some dislike to their Captains, The Court therefore orders that the Companies of those Towns be comanded by the Leiuts and Ensignes of their severall Towns untill the next Generall Court.

Ordered by the Generall Court that the originall Charter of this Colony made to William Bradford his heirs and Associates be committed to publike record.

The original charter to be recorded.

Ordered that the 27<sup>th</sup> Instant be observed & kept as publike day of thanksgiving throughout this Colony.

A day of thanksgiving ordered.

In reference to the motion made by the honourable Councill & Generall Convention of our friends & neighbours at Boston for our advice & assistance in repelling & suppressing the barbarous Hea-then that have Comitted many barbarous murders and outrages at the Eastern parts on the Subjects of the Crown of England This Generall Court declare their concurrence therein according to our weak Capacity and do comitt the management thereof to Thomas Hinckley and John Walley Esqrs their Comission<sup>rs</sup> chosen for that end both for the Inquiry into the grounds of s<sup>d</sup> War for farther satisfaction & to order all other suitable means & actions as they shall see cause with the advice and Concurrence of such as may be Comissionated therunto by our friends and ancient Confederates of the Massachusetts and Conecticut or by any other of their Ma'ties Colonies that may be Concerned therein as may through Gods blessing Conduce to the Comon Good & safety of the whole against the comon Enimie according to such Instructions as are by the Court given to them.

Resolve to aid Mass. and Conn. in the war against the Indians.

S<sup>d</sup> Instructions follow viz :

(1.) That our said Comission<sup>rs</sup> make diligent Inquiry into the grounds of s<sup>d</sup> War, and accordingly satisfie themselves therewith.

Instructions to Commissioners.

(2.) That they take Care that we be not overcharged beyoñd our proportion for the carrying on s<sup>d</sup> War.

(3.) That if it be Consonant to Justice and reason we may not

be involved in the Charges formerly Contracted about s<sup>d</sup> Indians or other publique affaires.

(4.) That such due encouragement may be given to Souldiers that if it may be there may be enough rayseed to go vollararily without pressing such encouragement to be six shillings pr weeke money or monies value for each private souldier and eight or ten pound pr head to our Company or Souldiers for every fighting man of the enemy whose scalp shall be brought in to such person or Officer as shall be appointed to take notice or knowledge thereof. And also to have all the persons as they shall take & captivate and all portable plunder divided amongst them And if any souldier of ours shall be maimed in s<sup>d</sup> War and therby disabled to maintaine themselves he or they to be provided for relieved & maintained in such Capacity as he or they lived in before concerned in s<sup>d</sup> War and also to have victuals & amunition allowed while upon the expedition.

(5.) That in regard the other Colonies are better stored with provision and amunition then our selves they may disburse on the publique faith to be repaid in time Convenient.

(6.) That our proportion of Souldiers wages or what shall in the Close remaine due both to English and Indians in these parts may be paid by us here at home to prevent Charge of transportation & other loss.

(7.) That Care be forthwith taken to engage the Mowhawke Indians with us against our said Enimies by sending some meet person to them with a present and to treat with the — in order there to.

The Indians directed to keep within the towns where they reside.

It is ordered by this Court and the authority therof that all the Indians in this Colony keepe within their severall preeincts or the bounds of the Townships wherein they at present reside and pas not out by night or day without a Certificate from a Magistrate or Select man of the Town or Comission Officer on the paine of Imprisonment according to the discession of the Town Councill of the Town where such Indian or Indians are taken & apprehended.

Indians without a pass to be secured.

Ordered that all Indians coming from other Colonies or parts of this Countrey and not having passes be secured by any either English or Indians & brought before the next magistrate or next Chief millitary Officer to be examined and proceeded with as there may be reason.

Bounty for taking an Indian enemy.

Ordered by this Court and the authority thereof, That if any person English or Indian apprehend and bring before authority any man that is an Indian Enemy he shall have ten pounds for a reward if he bring him alive & five pounds if killed provided it be evident it be an Enimie Indian.



Ordered by the authority aforesaid that such person English or Indian as shall first make discovery to any Officer Millitary or Civill of any dangerous & considerable plott or Conspiracy of the Indians or others against the English so as the danger may be prevented & the Conspirators or any Considerable part of them may be apprehended such Indian if a Servant shall be freed and his master have rationall satisfaction if an Englishman or free Indian he shall have ten pounds reward.

Reward for discovering any plot against the colony.

Ordered by this Court and the authority therof that the magistrates dwelling in the severall Counties meet at their severall County Towns upon the first Wednesday of September next at which time and place the severall Towns are to take care that their Constables and grand jury men be warned to appear at the County Towns of their severall Counties to be then approved and sworne at which time the said magistrates are Impowered to settle all such Officers as are proper for the Counties and sweare them as the law directs and may then graunt administrations and take the probate of wills, alsoe at the time and place aforesaid all Inkeepers & retailers of wines strong liquors beere cyder &c. within the severall Counties are required to appear & renew their licenses and that none after said time presume to keepe a publique house of Entertainment & retaile wine liquors beere cyder &c untill they have obtained or renewed their licenses on penalty as the law directs it is alsoe ordered that the magesrates of each County according to their best discession do appoint & set such sums to be paid by each person as renews or takes up a license as to them shall be accounted reasonable to be proportioned as neer as they can after the rate of fifty pounds for the publike houses of the whole Colony and no licence to be granted untill there be paid half of each his proportion the other half to be paid at the expiration of the year.

Aug. Magistrates, when to meet and to swear officers, &c.

It is alsoe ordered that such Constables as are already sworne are allowed and impowered to act in their severall places as if they had been presented to the County Courts as the law directs.

Constables already sworn empowered to act.

Alsoe ordered that the Millitary Officers of each Town forthwith use their Endeavour to Encourage English & Indians to a volluntary going out in this present expedition under comand of Capt Church and such persons to list and give an account therof to said Capt or other officer, And if for the Indian Souldiers they or the select men or any Inhabitant supply them with any thing for their present necessity & encouragement it shall be allowed or paid to them by the Treasurer out of the next rate.

The military officers to make exertions to obtain enlistments.

It is ordered by this Court and the authority thereof that each Towne or Village in this Colony that have not Officers or that are

The towns required to complete their choice of officers.

not compleat with Officers that they with all convenient speed have a meeting to make choice of Officers as the law directs the time to be appointed by the respective majors or Chief Military Officer in each Towne, or where no military officer to be appointed by the select men or the major part of them and their respective choice to be returned to the Councill of War and if their choice appear regular that they be by them allowed and comissionated. And as for the Towns of Marshfield and Swansey that they be under the comand of the Leiu'ts and Ensignes of their respective Towns that they had in the year 1686 untill the Court take farther order therein and that the Souldiers of each Towne are required to yield obedience to them upon paine of such fines & punishments as are by law provided.

The towns requested to loan money to the colony.

It is ordered by this Court and the authority thereof that the deputies and select men or the major part of them in each Town do forthwith upon sight hereof in such way as to them seems most suitable use their Interest with the Inhabitants of the severall Towns to advance & lend for the Colonies use so much money as they shall be willing too not to be less for each Town than the proportion herewith sent or agreed on by the Court which money so lent or advanced shall be allowed them out of the next rate and if any lay downe more it shall be repaid them by the Treasurer out of the first rate which sum or sums so raysed or advanced is to be forthwith sent and paid to Thomas Hinckley and John Walley Esqrs Commissionrs for the Colony or whome they shall appoint s<sup>d</sup> money to be paid and disposed by s<sup>d</sup> Comissionrs or Council of War for such use onely as the present necessity of the Colonies service calls for with respect to this present expedition which cannot be caryed on without laying out of present money. Each Towns proportion is as followeth viz.

	£	s.	d.		£	s.	d.
Plimouth	-	-	5 0 0	Dartmouth	-	-	3 10 0
Duxborough	-	-	2 10 0	Middleborough	-	-	1 0 0
Bridgwater	-	-	3 00 0	Monamoy	-	-	0 10 0
Scituate	-	-	8 0 0	Little Compton	-	-	2 10 0
Sandwich	-	-	5 0 0	Freetowne	-	-	0 10 0
Taunton	-	-	6 0 0	Bristoll	-	-	4 0 0
Yarmouth	-	-	4 0 0	Rochester	-	-	0 10 0
Barnstable	-	-	5 0 0	Succonesset	-	-	1 0 0
Marshfield	-	-	4 0 0				
Rehoboth	-	-	4 10 0				13 10 0
Eastham	-	-	4 0 0				54 0 0
Swansey	-	-	3 0 0				
			<hr/>	Sum Totall			<hr/>
			54 0 0				67 10 0

It is ordered by this Court that the proportion for men and armes for each Towne for this present expedition shall be as followeth each man to be provided with a well fixt gun ; sword or hatchett a horne or cartouch box suitable amunition & a snapsack.

Men. Armes.					Men. Armes.					
Plimouth	-	-	4	3	Rochester	-	-	-	1	1
Scituate	-	-	6	5	Monamoy	-	-	-	1	1
Marshfield	-	-	3	3	Succonesset	-	-	-	1	1
Duxborough	-	-	2	2	Bristol	-	-	-	3	2
Bridgewater	-	-	3	2	Taunton	-	-	-	4	4
Middleborough	-	-	1	1	Rehoboth	-	-	-	4	3
Barnstable	-	-	4	3	Dartmouth	-	-	-	3	2
Eastham	-	-	4	3	Swansey	-	-	-	3	2
Sandwich	-	-	3	3	Freetown	-	-	-	1	1
Yarmouth	-	-	3	3	Little Compton	-	-	-	2	2

The proportion of men and arms for each town.

It is ordered by this Court and the authority thereof that if there do not appear a competent number of English Souldiers in each Towne of this Colony to go vollunteers under the conduct of Cap<sup>t</sup> Church or some other officer as shall be by the Councill of War appointed to go out upon the present expedition to suppress the heathen that are enimies within any part of this Countrey that then such a number shall be pressed as shall be by the Councill of War agreed upon in the severall Towns where vollunteers enough do not appear And if any person or persons shall be pressed for the future by the advice of the Town Councill or major part of them to go out or be employed for the suppressing our said enimies and shall refuse to goe upon such service after pressed that every such person shall be fined four pound in money forthwith to be paid unto s<sup>d</sup> Town Councill or such one of them as they shall appoint to receive the same or otherwise to be committed to prison by the authority of the Town Councill or a magistrate and to be imprisoned within the County where they do belong or shall be pressed and there to continue untill such fine shall be paid and all such fines to be for the use of the Towne where such Souldier is pressed to be improved by the discretion of the Town Councill for the furtherence of the present War.

Soldiers to be im-pressed if there are not enough that enlist.

Wheras by an acte of this Court bearing date August 14<sup>th</sup> 1689, The magistrates of the severall Counteys were ordered to meet at their severall County Towns upon the first Wednesday of September then next following and by s<sup>d</sup> act were authorised to settle County Officers and act and doe as in said act is at large expressed, And forasmuch as the magistrates of the County of Bristol were by providence disabled to attend and meet at that time, It is therefore or-

Oct.  
The magistrates of the county of Bristol, when to meet.

dered by the said Court held here by adjournm<sup>t</sup> the first Wednesday of October abovesaid that the magistrates of the County of Bristoll aforesaid meet at their s<sup>d</sup> County Town on the second thursday of this Instant October and hereby have full power then & there to do and act in all respects as by the s<sup>d</sup> recited acte is mentioned, And all Persons who by s<sup>d</sup> act are concerned are hereby required to appear at and attend s<sup>d</sup> meeting.

At which time the magistrates of s<sup>d</sup> County are hereby ordered and empowered to take effectuall care & course that the late condemned prisoner at Bristoll be secured till further order shall be given concerning him.

The law prohibiting the catching of mackerel in seines repealed.

Ordered by this Court that the law in our printed Booke, page 31: prohibiting saning for mackerill at Cape Cod be henceforth made void and of no force.

The magistrates of Barnstable to have charge of the Cape fishery.

Ordered by the authority aforesaid that the magistrates of the County of Barnstable or any two of them be a Committee to dispose and manage the Cape fishing as p<sup>r</sup> order of Court directed and to impower such Officers as are necessary under them to looke after the same.

Former acts declared to be in force.

It is ordered by the authority afores<sup>d</sup> that the severall acts and orders of Court about fishing at Cape Cod, in our old printed law booke page 38 & 39 viz so much or so many of them as are noted to be revived in the margein of s<sup>d</sup> Booke begining at number 4 & ending at N: 5: are all of them revived and made and hereby declared to be of full force untill this Court shall otherwise order.

The majors directed to procure a list of all the males in their several regiments between the ages of 16 and 60.

It is ordered by this Court that the majors of the severall regiments forthwith take care to procure a perfect list of all the males in their respective regiments of what rank or quality soever from the age of sixteen to sixty yeares and to deliver the same to one of the Comissioners of this Colony at or before the fourteenth day of this Instant October by them to be caryed to Boston in order to proportion the Charge of the present warr.

The informer to have one half of the fine in certain cases.

Ordered by this Court that whosoever shall informe against any person for retailing any kind of strong drink without licence and prosecute his s<sup>d</sup> Information to effect such Informer shall have one moiety or half of the fine that such retailer shall be according to law sentenced to pay. And if any shall Informe and prosecute as afores<sup>d</sup> against any Inkeeper for the breach of any law of this Colony that concerns Innholders he shall likewise have one half of the fine.

Taxes to be levied to defray the charges of the war.

Ordered that towards the bearing of the charge of the present warr There be forthwith levyed and rayised by the select men or rates of

each town and village in this Colony the sums hereafter set down and agreed on by this Court viz.

			<i>lb.</i>	<i>s.</i>	<i>d.</i>						
Plimouth	-	-	60	00	00	Eastham	-	-	-	46	0 0
Duxbury	-	-	25	00	00	Rochester	-	-	-	8	0 0
Scituate	-	-	88	00	00	Monanoy	-	-	-	7	0 0
Marshfield	-	-	45	00	00	Bristol	-	-	-	35	0 0
Bridgwater	-	-	23	00	00	Taunton	-	-	-	60	0 0
Middlebury	-	-	14	00	00	Rehoboth	-	-	-	48	0 0
Foords Farmes	-	-	2	00	00	Dartmouth	-	-	-	40	0 0
Barnstable	-	-	60	00	00	Swansey	-	-	-	40	0 0
Sandwich	-	-	60	0	00	Little Compton	-	-	-	35	0 0
Yarmouth	-	-	41	0	00	Freetowne	-	-	-	8	0 0

The severall sums to be paid to the Constables of each Towne and Village at or before the 25th day of November next the same to be paid by the Constables in each Town and Village to such as the Generall Court shall appoint; The severall sums to be paid one third in money one third in Grain Indian Corn at two shillings p<sup>r</sup> Bushell rye two shillings and six pence p<sup>r</sup> Bushell Barley two shillings p<sup>r</sup> Bushell wheat four shillings p<sup>r</sup> Bushell; The other third in Biefe at ten shillings p<sup>r</sup>: C. and Porke at two pence p<sup>r</sup> pound; The Charge of Transportation after it is delivered p<sup>r</sup> order aboard any vessel to be allowed by the publike. It is also agreed that this proportion be onely for this rate and that there be a way found with all convenient speed for a valluation of the Estates of the Colony in order to the making of a just proportion; which when found out and determined each Town to be allowed or advanced accordingly; or if any for the Corne or provision part pay that which for price and specie saltisfie any souldiers that went in the service it shall be accepted and there shall be care taken that the souldiers English and Indians be paid by the Counties where they lived or were raysted, and care taken as much as may be in the whole to prevent transportation. farther agreed that any person that for the corne part or provision part of this rate will pay money shall have one sixth part abated.

How paid, &c.

A new valuation ordered.

Ordered by the Court that the select men of each town take care forthwith to take a valluation of the estates of each Town and village according to the prises hereafter mentioned, viz.

The selectmen to take a valuation of estates in their respective towns.

										<i>£</i>	<i>s.</i>	<i>d.</i>
Every ox at	-	-	-	-	-	-	-	-	-	02	10	0
Every Cowe	-	-	-	-	-	-	-	-	-	01	10	0
Every steere & heiffer of 3 year old	-	-	-	-	-	-	-	-	-	01	10	0
Every two year old at	-	-	-	-	-	-	-	-	-	01	00	0

Every yearling at	-	-	-	-	-	-	00	15	0
Every horse and mare at	-	-	-	-	-	-	02	00	0
Every two year old Colte at	-	-	-	-	-	-	01	00	0
Every yearling Colte at	-	-	-	-	-	-	00	10	0
Every swine of a year old & upwards at	-	-	-	-	-	-	00	06	0
Sheep of a yeare old and upward by y <sup>e</sup> score	-	-	-	-	-	-	05	00	0
Land in tillage every acre	-	-	-	-	-	-	00	05	0
Meadow and English pasture every acre at	-	-	-	-	-	-	00	05	0

Vessels and trading estates not more than half price.

Faculties and personall abilities at will and doome ; the like where any neglect or refuse to give in a just account of their rateable estate.

Dec.

Whereas by our many provocations we by the just hand of him who is the Wise disposer of all things, are fallen into Perrillous times by reason of the depredations of the french on this Countrey, together with the rebellious Insurrections and Cruel massacres the barbarous heathen abetted alsoe by the french whereby great mischiefe hath already ensued and much more may be justly feared and expected. It doth therefore much concern us to take some most speedy and effectual Course to defend ourselves by putting the Millicia into good order, and making such other provision needfull in such Imergencies.

Commissions to  
be sent to certain  
military officers.

Be it therefore enacted by this Court &c. that all such as were millitary officers and that had beene allowed or commissioned by this Court in or before the yeare 1686 or that have been orderly Chosen and allowed since their Ma'ties accession to the throne, and the late revolution of the Government and have not received Comissions since. That all such officers and Comanders with all possible speede have Comissions sent them Impowering them to act in the severall places and Comands they were chosen too or had been allowed in the said Comissions to be sent to the chief Commander in each regiment by them to be delivered to those they are directed too ; And if any person shall not accept said Comission and take the oath of allegiance to their maties that then the Chief officer require the Town forthwith to make a new Choice according to law and to make their return to the Gen<sup>l</sup> Court or Councell of War who are hereby authorized to allow and Comissionate them or any others that may hereafter be chosen and presented to them in the absense of the Gen<sup>l</sup> Court.

Penalty for ne-  
glecting to choose  
military officers.

Ordered that all such Towns or villages as shall by this Court or the Comanders of the Regiments be sent to and required to Choose Officers or Officer for the Compleating their Millitary Company and

shall refuse or neglect the doing thereof and the making the return of their doings above twenty days after they have notice thereof by the person required and appointed for that end shall for such refusall or neglect be lyable to the fine and forfeiture of fifty pounds for the Colonies use, such Town or Towns or village be convict thereof before a Councill of Warr the said sum by such Officer as they appoint to be levyed upon one or more of the Inhabitants of s<sup>d</sup> Town or Towns or village as s<sup>d</sup> Officer shall be directed by the Councill of Warr—such persons upon application to this Court shall have order to levy such sum or sums and all meet damages upon the Inhabitants and rateable estates belonging to such Town or Towns or Village and if the Officer Military or Civill that is sent to give notice to the Inhabitants and Souldiers to choose any officer or officers as aforesaid and shall — the speedy doing thereof shall pay five pound fine to be paid to the Comander of the regiment for the millitary service of the County such Officer being convict thereof at a Councill of Warr or County Court and if the fault be in the Officer the Comander to send an other order to the same person or any other as he shall see cause who are to performe the same under the penalty before mentioned if the neglect be the Towns then this County Court or the Councill of Warr to appoint and Comissionate officers to such Towns and places as are needful.

How fines are to be levied.

Wheras the Towns of Bristoll Dartmouth Swansey and Eastham have refused or neglected to make their rates for the Charge of ye Warr according to the order of the Generall Court Which we have reason to think hath been occasioned by the Insinuations and misinformations of some ill men that are disaffected to the Government who have with utmost dilligence been endeavouring to disquiet the minds and disturb the peace of their neighbours: weakning the hands of them that are in authority the effect whereof would be to render us uncapable to offend our enemies or defend ourselves; being willing to believe it hath been neglected for the reasons before mentioned and not out of Contempt of Authority and hoping they are convinced of their error; and seeing the necessity of the present warr calls for it together with the example of all other Towns, and sense of duty will put them upon Complying with the orders now directed to them.

Dartmouth, Swansey, &c. to be fined £20 if they do not make their rates.

Wherefore be it ordered and enacted that if the rates of any or all of the Towns before mentioned be not made and given to the Constable or Constables of the respective Towns before the 15th day of January next such Town for such neglect to pay twenty pound fine for the use of the Colony and being Convict thereof before a County Court said sum to be levied on one or more of the Inhabitants of

How such fine  
may be levied.

such Town or Towns and said sum or sums upon application to the County Court with meet damages to be ordered to be levied on the Inhabitants & rateable estate of s<sup>d</sup> Town or Towns & if s<sup>d</sup> rates be not made and delivered to the Constable or Constables by the afore-said time then two magistrates to appoint raters in such Town as neglects to chuse them and such raters as shall after this be chosen by the Town or appointed by the Magistrates are seasonably to attend said service on penalty of five pounds to be paid for the use of the Colony.

Penalty for re-  
fusing the office  
of assessor.

Ordered that such as shall be orderly chosen raters in any Town for the making of rates for the Countrey County or Town and shall refuse or not accept the same or neglect to make any of s<sup>d</sup> rates in due time shall pay the sum of five pounds for the use of the Town, being Convict thereof by a County Court or two magistrates and upon his or their refusing or not accepting the Town or Towns to choose others in their roome under the like penalty and soe untill each Town have made up their number, And the respective Towns to give reasonable satisfaction to their raters from time to time for their making rates.

Penalty for any  
town to refuse or  
neglect to choose  
assessors.

Ordered that if any Town or Village when orderly required shall neglect or refuse to chuse raters or not chuse them seasonably and being thereof Convict before a County Court shall be lyable to the fine of fifty pounds which sum by order of s<sup>d</sup> Court may be levied upon any one or more of the Inhabitants of such Town as the s<sup>d</sup> Court shall direct who upon application to s<sup>d</sup> Court shall have order to levy said sum or sums with all meet damages upon the Inhabitants and rateable estate of s<sup>d</sup> Town or Towns. And if any Town or Towns refuse or neglect to chuse raters as afore<sup>s<sup>d</sup></sup> the County Court or any two magistrates to appoint raters who are seasonably to make the rates under such penalty as is ordered for those that are chosen by the Towns.

Wheras at the Generall Court of Election in June 1689 it was ordered by s<sup>d</sup> Court, that the Constables in the year 1686 be accountable to the Treasurer for the Countrey rates Comitted to them to gather before the late change and that the Inhabitants of the severall Towns that paid not their rates of s<sup>d</sup> year to the Constables pay them, or for neglect they make distress for the same, or so much thereof as is unpaid; which yet notwithstanding is neglected to be done to the damage of such as were to receive their parts thereof besides the unreasonableness of some being eased or excused from their paying their just dues when others have long since payed their parts thereof, this Court doe therefore order that a warrant be di-



rected from the Treasurer or other magistrate to the Constables of such respective Towns as were Constables in the year 1686 ; forthwith to gather the rates of all such delinquents and on their or any of their refusing or neglect to pay their parts as aforesaid that then the said Constable of such place Call in the assistance of the present Constable of such place to make distress on the Goods or Estate or in defect thereof the person of such refuser or neglecter as p<sup>r</sup> former law is in that case provided under the penalty of such old Constable his or their payment of the full of such sums due and unpayed as aforesaid to be recovered by suit or distraint on his or their estate by the Treasurer as is in that Case p<sup>r</sup> law provided. And the like order for what is due to the Counties and Towns respecting County and Town Rates.

A warrant to be directed to the constables to collect the rates of all delinquents.

Ordered that the Town Councils of each Town in the County of Plimouth pay and allow the sums according to the accounts made up and allowed by the Committee of this Court and the remainder by them to be secured to pay the debts of the Countrey as the Generall Court or Commissioners of the Colony shall direct and that the Guns that Can not be found be allowed for out of the money part and that what is due for fitting out Souldiers and other disbursments and Souldiers wages what remains to be paid one third in money the other in such pay and at such prises as the rate is paid in This rule to be observed throughout the Colony : And every Constable to pay the same or not worse specie than he receivs.

The town councils of the county of Plymouth to pay and allow the sums allowed by a committee of the court.

Ordered by this Court that such horses as have been Improved in the late expedition by any Officers or foote Souldiers of ours without the order of this Court or a magistrate, The respective owners of s<sup>d</sup> horses may be paid or satisfied by the persons that procured or used them and not Charged to the account of this Colony.

Horses used in the expedition without the order of the court to be paid for by those who used them.

It is ordered by this Court &c. that there be a Committee Chosen in each County to settle the Charges of the Warr and disbursments in their respective Counties and to adjust the accounts of all officers and Souldiers that have been in the service & to order payment to all officers Souldiers or other persons that have disbursed for the War in such ways as may be most suitable & convenient for them and most advantageous to the Colony, In all disbursments as much as in them lyeth to go by the same rules to take a speaciall Care that all the Guns that belong to the publique be either found out & secured for them they pertain too or else that they be paid for by the Souldiers that had them or have Imbezzled them.

A committe to be chosen in each county to settle the charges of the war.

And in adjusting and settleing s<sup>d</sup> accounts as they have opportunity to inform themselves w<sup>t</sup> they may from the Comissioners of the Col-

How the surplus after paying the

officers and soldiers shall be appropriated.

To render their accounts to the commissioners.

Persons residing out of the limits of any town to be under the constablerick of the nearest town.

Penalty for retailing strong liquors in a less quantity than 5 gallons.

Penalty for not giving in a correct account of estate.

onies Major Church & Capt. Bassit and what is left after the Soldiers & debts are paid as aforesaid the remainder to be secured by the Severall Comittees for the payment of the Countrey debts at Boston or elsewhere according to the orders of the Generall Court or direction of the Comissioners of the Colony. And that the said Comittees do give in their accounts to y<sup>e</sup> Comissioners of the Colony with all Convenient speed, and by them to be presented to the Generall Court with other accounts and transactions of theirs respecting the warr in time Convenient.

Ordered by this Court that all such persons in this Colony who live or reside out of the bounds of any of our Towns shall be under the Constablerick of the nearest of our Towns whereunto they so live or reside.

Wheras divers acts & orders have been lately made by the Gen<sup>l</sup>. Court prohibiting any person from selling by retail any kind of strong drink without lycence. It is therefore now further ordered and by this Court declared that whosoever shall without licence sell & deliver a less quantity at one time to any person or persons than 5 Gallons of Wine Brandy Rum or strong liquors &c. or less than a quarter Cask of Cyder Every such seller is by law deemed judged & accounted a retailer & as such to be proceeded against as the law directs.

And be it further enacted by this Court and the authority thereof and it is enacted that if any person or persons in any Town within this Colony shall be found either to conceal or refuse or neglect to give in all or any part of his or their rateable estate as aforesaid forthwith according to order to the men chosen to make rates in the respective Towns where they live, every such person or persons so concealing refusing or neglecting as aforesaid being thereof Convicted before one or more magistrates shall pay treble rates for all such estate according to the rule before mentioned one third part thereof to be paid to the Colony one third part to the Informer and one third part to the Town wherein such estate lyeth. And the rateable estate of every Town in the Colony so computed according to the method and rules aforesaid shall by each Town be brought to the next Gen<sup>l</sup> Court at Plimouth that so every town may be justly assessed according to their due proportion throughout the Colony.

1690.

Att a Generall Court held at Plimouth May y<sup>e</sup> 20th 1690 ;

Enacted as followeth

(1.) Whereas the weighty Concerns of this Colony called for and required the present Convention of this Court and for as much as p<sup>r</sup> former orders and law of this Colony a County Court is to be holden this present day being the third Tuesday of s<sup>d</sup> May at Bristoll for the County of Bristoll which by reason of this Convention can not this day be there held :

This Court do therefore declare and it is hereby declared that the said County Court is adjourned unto Tuesday the 27th Instant and all persons concerned Whether parties in any Case Civill or Criminal witnesses Grand and Petty-jurymen and Constables are to attend s<sup>d</sup> Court at the adjournmentt above<sup>s</sup>d and all attachments summonses proccess & proceedings and all obligations to be and remain good to said adjournment as if the ordinary time of s<sup>d</sup> County Court had been attended and all sureties to stand obliged for their principals to s<sup>d</sup> time and to be forth coming six days after judgment given at s<sup>d</sup> adjournment. Adjournment of the county court.

(2.) Ordered that the new grand Jurors and Constables of the Severall Towns in the County of Plimouth appear before the magistrates of s<sup>d</sup> County at s<sup>d</sup> County Town on the fourth day of June next to receive their Charge and take the oath usually Administered in such case. Grand jurors and constables, when to meet.

(3.) Ordered that the words, next after the Court of Election, in our printed law book title Constables page 14th line 5th of y<sup>e</sup> first number be henceforth readd & construed, next before the Court of Election.

(4.) Ordered that the Clerk of the County of Barnstable forthwith send warrants to the now Constables of the severall Towns in s<sup>d</sup> County to warn the new grand jurors & Constables of each Town to appear at their County Town before the magistrates of s<sup>d</sup> County at such time as s<sup>d</sup> magistrates shall appoint to receive their Charge and take the Oath usually administered in such Case. The clerk of the county required to warn the grand jurors and constables to appear to receive their charge.

(5.) Ordered by this Court that the proprietors and purchasers of lands who held the same in Comon shall henceforth have liberty and are impowered to chuse a Clerk for s<sup>d</sup> proprietors who being sworne his book shall be accounted an authentick record. The proprietors of lands held in common have liberty to choose a clerk.

(6.) Wheras there is 16 or 18 bushells of wheat part of the last rate in the hands of the Constables of Scituate, ordered that the same



Bristoll	3
Taunton	5
Rehoboth	4
Dartmouth	3
Swansey	3
Little Compton	2
Freetowne	1
<hr/>	
	21

Ordered by this Court and the authority thereof that the proportions of men now agreed on to be raysted for their maties Service be Impressed in the severall Towns by warrant under the hands of the Town Councill or the major part of them and where their is no Town Councill by warrant from the select men of such Town or Towns or the major part of them and where there is no Town Councill or Select men to be Impressed by warrant from the major of the regiment s<sup>d</sup> Town Councils Select men and Majors are hereby ordered and required to Impress or cause to be Impressed the Severall proportions of men upon Wednesday next and not before and that the whole be ready on or before the second day of June next to attend such service as then shall be required of them.

Men raised to be impressed by warrant.

Ordered that the Town Councils Select men and majors take care that such as are Impressed by their order be each one fitted with a good well fixt musquet or other sufficient armes sword or hatchet horne or Catouch box and not less than three charges of powder and shot for each man also that they provide and take care seasonably to send and put on board the vessel provided to eary the Souldiers two pound and half of powder and 12 pound of suitable bullets for each man sent out unless otherwise ordered in the mean time. Alsoe to take care that the powder be sent so as it may not be bruised or otherwise damnified.

Town councils, &c., to take care that the souldiers are provided with arms, &c.

Ordered that the Town Councill Select men or major part of each or majors of the Regiment are hereby Impowered and required by warrant to impress men and horses as may be necessary to eary ammunition also al such other things for arming cloathing or fitting out each Souldier for this present expedition as may be needful where they cannot otherways be procured.

The town council, &c., are required to impress men and other things for the expedition.

Ordered that all Constables Serjeants Corporals or other persons that the warrants from the Towne Council Select men & Majors are or shall be directed too in matters they are Impowered relating to this present expedition are hereby required to execute the same and to be aiding and assisting as there may be occasion.

The constables, &c., required to assist in fitting out this expedition if necessary.

Twenty shillings  
sought for each  
soldier.

Ordered That the Town Council all or either of them endeavour forthwith to procure from the Inhabitants of the severall Towns so much money as to make up 20 shillings for every man ordered to be sent from each Town and whatsoever any Inhabitant shall disburse or lend on that account or that shall be Impressed for fitting out the Souldiers shall be repaid by the Countrey or discounted out of the next rate said money to be brought to next June Court to be disposed as s<sup>d</sup> Court shall order.

Those who give  
to be repaid.

Penalty for not  
serving when im-  
pressed.

Ordered by this Court that all such as are or shall be Impressed for the Countreys Service against the Common Enemy and shall refuse or neglect the service they are to pay as a fine the sum of four pounds in money or for not paying the same by warrant from the Town Council Select men or Major which gave the warrants forth such person or persons to be imprisoned untill the fine be paid and others to be Impressed in their roome which fines shall by the Town Council be Improved for buying armes & amunition for a Stock for the Town unles they se Cause to dispose any part thereof for the fitting or encouragement of such as shall be Impressed in their stead unless such person or persons shall appeal to the Councill of Warr and give security to answer the same and to abide by their determination.

Constables of  
Barnstable and  
Bristol Counties  
required to make  
up the account  
of their rates.

Ordered that the Constables of Barnstable and Bristol County repair to their severall County Towns upon Tuesday next the 29th of this Instant May then and there to make up the accounts of their rates they were to Collect for the Counties use with the Comittees of their severall Counties that were appointed by this Court to adjust the accounts of Souldiers wages and other disbursments and to order payment of the same. Also to pay to said Comittees or order the ballances of their accounts.

Committees to  
make up the ac-  
counts and re-  
ceive the bal-  
ances of the  
constables.

And the Severall Comittees are hereby ordered and Impowered to meet at the time and place aforesaid to make up the accounts of the severall Constables to receive the ballances thereof and upon full payments orderly made to give discharges on the Countreys behalf and said Comittees to sel for money any grain or provision they or ye Constables have in their hands of the Countreys and what moneys they have or shall have of the Countreys to bring in to June Court to be disposed as the Generall Court shall see Cause.

The constables of  
the county of Ply-  
mouth to make up  
their accounts.

Ordered that the Constables of the County of Plymouth that have not made up & ballanced their accounts with the Town Councils of their respective Towns do at or before the 29th of this Instant May doe the same and such as have or do ballance their accounts by payments orderly made they are to give discharges to such Constables

on the Countreys behalfe the Town Council are also to take care that what grain or other provision of the Countreyes is in their or the Constables hands be forthwith sold for money for the most it will yield also to take Care that what moneys they have or shall have in their hands of the Countreys be brought in at June Court next to be disposed as the General Court shall order.

Ordered that a watch be forthwith kept and maintained in every Town & village of this Colony of so many persons as the Town Councill in each Town or Village shall appoint.

A watch to be kept in every town.

And that in such Towns where the said Town Councill shall judge it needful princplely and especially in all sea port Townes & places that some persons be appointed to ward in the day Time as s<sup>d</sup> Council shall direct.

A watch kept during the day when necessary.

That wheras there are divers persons come into this Colony and settled themselves upon the lands belonging to this Colony at Cape Codd without leave or order so to do and do there continue cutting down the wood there reserved for the benifit of such as shall be admitted orderly to come thither to fish, and doing other damages to this Colony as well as live in a disorderly manner there. This Court do therefore order the County Treasurer forthwith to Cause said people so coming and living at or upon the Countrey — be prosecuted for said trespass and remo — also to lett and dispose the Ca — the publique and to — account.

None allowed to live at Cape Cod without permission.

Ordered that for the defraying the charges of the Gov<sup>r</sup> De<sup>p</sup>t Gov<sup>r</sup> and Assistants this p<sup>r</sup>sent year for the management of the Colonys affaires in the Gen<sup>l</sup> Courts Councils of War and Courts of Assistants; etc: This Court do order to be paid by the Treasurer out of the Treasury the sum of 28 lb to the Gov<sup>r</sup> and 12 lb to the De<sup>p</sup>t. Gov<sup>r</sup> And ten pounds a peece to the Assistants; and if there shall not happen to be enough in the Treasury; otherways; then to raise the same by rate as formerly; and the Deputies of the severall Towns shall have two shillings six pence p<sup>r</sup> day to be paid by the severall Towns.

Salary of the Governor, Deputy Governor and Assistants.

Ordered that the Secretary have 12 pounds paid to him out of the Treasury or raised by rate for his Salary for this present year and fifty shillings over and above his Salary the last year is granted unto him p<sup>r</sup> this Court for his extraordinary charges in writing Commissions &c. the last year.

Salary of the Secretary.

And that the Chiefe Marshall have 8 lb paid to him out of the Treasury or raised p<sup>r</sup> rate for his Salary this present year.

Salary of the Chief Marshal.

That the under Marshall or Goal keeper, have three pounds paid to him by the Colony for his Sallary: this present year besides what shall be allowed him p<sup>r</sup> Plimouth County

Salary of the Under Marshal.

Ordered that s<sup>d</sup> Under Marshall have 13½ bushels of wheat paid to him at Duxborough or 12½ bushels of wheat at Plimouth for the remainder of his Sallary the last year.

Wheras there was a Comittee and after that the Countrey Treasurer was ordered to take in the accounts of former Officers relating to any monies or other estate of the Countrey or Counties in their hands but nothing as yet done by either relating thereto.

Former County  
Treasurers and  
Constables re-  
quired to give in  
their accounts.

It is therefore ordered by this Court ; that each County Treasurer with all convenient speed require the Sheriffs County Treasurers that was for each County or Constables of each Town that were in the year 1686; 1687; 1688; to give in their accounts of what they have in their hands belonging to the King or County and upon makeing up and ballancing s<sup>d</sup> accounts the present County Treasurers or either of them are to give them discharges and upon their refusing or neglecting to give in their accounts and paying the ballance they and either of them are Impowered in the Countreys behalf to sue such persons or any of them and to do all that in law is proper for the receiving recovering & obtaining of the same excepting at present the matters of the rates ordered to be gathered by the Constables for the Country in time Sr Edmond Andros.

Debts, how paid,  
&c.

Whereas there is a law in our printed Booke that all debts shall be paid in specie according to contract yet notwithstanding the said law where judgment hath been given in Court for debt and damage and costs in money the Marshal or Constable to whome writt of Execution hath been directed hath oftentimes taken goods and cattle to the great damage of the parties to whome money was due & contracted for, for prevention whereof this Court doth order that it shall be in the liberty of every person for whome judgment shall be given for money to have a writt of execution directed to the Constable or marshall to levy the same either on the estate or on the person to be committed to prison till money be paid accordingly at the choice of the plaintiff.

Wheras there is a law provided that all persons that had contracted debts before the session of that Court when s<sup>d</sup> law was made should sue or bring his action for the same in thre years or be forever barred his action If the debt due either by book or accompt, but their having been an interruption by the alteration of Government that the time may be expired, and many have not received their just rights.

Any debt now  
due may be sued  
for within twelve  
months.

This Court doth therefore order that any that have contracted any debt which is now due either by book or account shall have liberty to sue or bring his action for the same any time within twelve months next ensuing any order or law of this Court to the contrary notwithstanding.



Ordered that in Plimouth County there be three Associates or County magistrates one at Plimouth one at Marshfield and one at Bridgwater.

Three Associates  
in Plymouth  
County.

And that in the County of Barnstable their be two associates or County magistrates one at Sandwich & one at Eastham.

Two Associates  
or county Magis-  
trates in Barnsta-  
ble County.

And that in the County of Bristoll there be three Associates or County magistrates one at Taunton one at Little Compton and one at Dartmouth.

Three Associates  
in Bristol County.

Ordered by this Court that after this year the Associates or County Magistrates be chosen by the freemen of the severall Counties.

County Magis-  
trates chosen by  
freemen.

Ordered that the severall Associates or County magistrates meet at their severall County Towns to be sworne at such time as they shall be warned by order from the magistrates of the severall Counties. At which time they are to hear and determine according to law any Criminals and do any other thing within the power of a County Court except trying of actions And the magistrates to take care that all Criminals be warned —ently obliged to appear and answer for their crimes respectively.

County Magis-  
trates receive  
their oath at the  
several county  
towns.

Ordered that every of s<sup>d</sup> Associates or County Magistrates have the power of a magistrate within their respective Counties.

County Magis-  
trates have the  
power of magis-  
trates in their  
counties.

Having had Information from the Hon<sup>r</sup>ble Simon Bradstreet Gov<sup>r</sup> of the Massachusetts in the name of the Council of their present Expedition to Canady and places adjacent and of their raying considerable forces for the Service of their Matie<sup>s</sup> against the Comon Enemy in those parts they having also signified that they desire and expect somewhat from this and the other Government, This Court having considered thereof in Compliance therewith have concluded to raise and send forth 200 souldiers if need be of English and Indians to joyne with the Massachusetts and other confederated forces for their Matie<sup>s</sup> service as afores<sup>d</sup> And that there may be sutable care timely to Impress supply and send forth our Souldiers.

Soldiers sent to  
Canada.

Ordered that each County Treasurer take care to receive of the Severall Constables of the County or Town Councils what money they have of the Counties also to receive the severall sums of money promised by the severall persons of their Counties also if there be any wheat or other pay of the Countries if they have opportunity to send it Boston with speed or otherwise to sell it for the most they can get the severall sum to be raysed by the order of the last Gen<sup>l</sup> Court for fitting out the Souldiers then raysed be also paid in to the severall Treasurers.

County Treas-  
urer to receive  
money raised  
from the Consta-  
bles.

Ordered that the deputies of each Town forthwith use their utmost endeavours w<sup>th</sup> such of their neighbours they judge are able to pro-

cure for the Colonies use what they are willing to lend and that the same with what is already promised be forthwith sent into the County Treasurer.

Money advanced to the colony to be paid out of the rates next made.

It is hereby ordered and enacted that what ever money advanced or what is given to the Colony for the fitting and furnishing of the Souldiers for war or what may be Impressed orderly for this present Service it shall be payd out of the rates that shall be next made.

Fifty Indians sent to Canada.

Ordered by this Court that in this present expedition there be rayzed fifty Indians 22 in the County of Barnstable 22 in the County of Bristoll and six in the County of Plimouth If such do not present as are to the satisfaction of one or more of the Magistrates of the County or the Comander of the Company that then by warrant from a magistrate such be Impressed as are most fitt: And that Plimouth county take care to provide armes and other necessaries for eigh-teene men Barnstable County for fifteene men and Bristoll County for seventeene men.

Plymouth, Barnstable and Bristol counties to provide arms, &c. for the Indians.

Penalty for soldiers coming unarmed to meeting.

Ordered that the Town Councills take care for watchings wardings and Scoutings in each Town and that one third of the Souldiers at a time come armed to meeting every sabbath day untill farther order on penalty of two shillings fine for each orderly warned that neglects the same.

Commissioners empowered to form treaties.

Ordered that if there be occasion for the Commissioners of the Colony to meet with agents or Comissioners from the other Colonies and Governments our said Comissioners are hereby Impowered to meet treat agree and conclude upon any designes and other things that relate to the same with the rest that they judge may be for the service of their Maties and the Comon good and safty of the Countrey they always taking care not to engage us in any charge that hath been allready contracted wherein we were not consulted with or concerned in what they may agree to To take care as much as they can y<sup>t</sup> we are not beyond a just proportion either in men or charge.

Commissioners have power to impress men, &c. for the expedition to Canada.

The Officers and Souldiers now to be rayzed to march at such time and rendevouse at such places as they shall receive orders from one or both of the Comissioners of the Colony one or both of which are hereby Impowered to grant warrants to Impress vessels men Armes amunition or any other thing needed and can be procured within the Colony for this present expedition.

Penalty for not watching when warned.

Ordered by this Court that all persons able to bear armes upon — attend the same under the comand of the Officers of the Several Towns on penalty of 5 lb and that all householders by themselves or others meet personally in their stead Attend watching and

warding when warned on penalty of three shillings for each neglect unless excused by the Town Council.

Ordered that if the Officers now appointed for this expedition either do not accept or are prevented by the hand of God or any should otherwise be wanting that the Govern<sup>r</sup> with the consent of two Magistrates appoint and Comissionate others as there may be need.

Ordered &c. That the persons which shall be appointed press masters to Impress Souldiers for their Matie<sup>s</sup> service shall have full power to Impress any men appointed to be Impressed for the Town which he or they shall be press masters for in any Town in this Colony.

Power of the  
press masters.

Ordered by this Court that the Magistrates & deputies of the County of Plimouth forthwith make choice of a County Treasurer for s<sup>d</sup> County for this present year.

Treasurer to be  
chosen for Plym-  
outh county.

Ordered by this Court that 50<sup>lb</sup> excise be this following year advanced and rayesd upon the publike houses of Entertainment and persons that shalbe licenced to sell strong drink in this Colony that is to say 20<sup>lb</sup> in the County of Plimouth 13<sup>lbs</sup> in the County of Barnstable and 17<sup>lbs</sup> in the County of Bristol.

Excise upon  
public houses.

Ordered that for the prevention of Contests and suits by whale killers.

(1.) This Court doth order that all Whales killed or wounded by any man & left at Sea s<sup>d</sup> Whale killers that killed or wounded s<sup>d</sup> Whale shall presently repair to some prudent person whome the Court shall appoint and there give in the wounds of s<sup>d</sup> Whale the time & place when & where killed or wounded And s<sup>d</sup> person so appointed shall presently comitt it to record and his record shall be allowed good Testimony in law.

Nov.  
Those who kill a  
whale required to  
give an account  
of the wounds,  
time, &c. to the  
person appointed.

(2.) That all Whales brought or cast on shore shall be viewed by the person so appointed or his deputy before they are cut or any way defaced after come or brought on shore and s<sup>d</sup> viewer shall take a particular record of the wounds of s<sup>d</sup> Whale & time & place where & when brought on shore & his record shall be good Testimony in law and s<sup>d</sup> viewer shall take care for securing s<sup>d</sup> fish for the owner.

All whales cast  
on shore are to  
be examined by  
a person appoint-  
ed so to do be-  
fore they are cut.

(3.) That whatever person or persons shall cut up or deface any Whale fish by cutting stabbing or launcing after come on shore or at sea if a drift unless of necessity to tow it to shore before it hath been viewed by the person appointed thereto and a record taken by him shall lose their right to said fish & pay a fine of ten pounds to the County. And s<sup>d</sup> viewers shall seize s<sup>d</sup> fish for the owners use or the effects thereof and s<sup>d</sup> viewer shall have power to make a Deputy

No person al-  
lowed to cut or  
deface a whale  
before examined,  
on penalty of  
£10 fine.

or Deputies under his hand, and to have six shillings for each Whale so viewed & recorded of the owners thereof.

Those who take a whale a mile from the shore are to give a hogshead of oil to the colony.

(4.) That whosoever finds takes or cuts up any drift Whale found on the stream a mile from the shore not appearing to be killed by any man shall be the — first sieze and secure them paying an hogshead of oyle to y<sup>e</sup> Country for every such Whale.

£1350 raised to pay the debts of the colony arising from the war.

Resolved and agreed on by the Generall Court that 1350 pounds be forthwith raised p<sup>r</sup> rate upon all the rateable Inhabitants of the Colony for the payment of all known debts of the Colony relating to the present War and otherways excepting the Charges about Armes for y<sup>e</sup> expedition to Canada. The one half of s<sup>d</sup> sum to be paid in Money the other half in Wheat at 4<sup>s</sup> p<sup>r</sup> bushel Barley at 2<sup>s</sup> Rye at 2<sup>s</sup> = 9<sup>d</sup> Indian Corne at 2<sup>s</sup> = 6<sup>d</sup> p<sup>r</sup> Bushell Porke at 45 shillings p<sup>r</sup> Barrell Biefe at 28 shillings p<sup>r</sup> Barrell Butter in firkin or pott at 6<sup>d</sup> p<sup>r</sup> pound in less quantity by pound 5<sup>d</sup> all s<sup>d</sup> Grain & provision to be good & merchantable.

With what the debts are to be paid.

The Court order that 50<sup>s</sup> be paid by the propriators of lands formerly granted Mr. Hatherly at or near accord pond viz the three mile square towards y<sup>e</sup> payment of the s<sup>d</sup> sum And that three pounds be paid by the propriators of the lands above Waymouth viz. y<sup>e</sup> lands called foords farmes and parts adjacent.

£24 granted to the Governor for extra charges.

The Court allow to the Govern<sup>r</sup>, 24 pound for his extraordinary Charges upon the Colonies business in Comission & otherways for this & y<sup>e</sup> last year 14<sup>lb</sup> = 16<sup>s</sup> whereof is already paid to him and the residue which is 9<sup>lb</sup> = 4<sup>s</sup> is to be paid to him out of this rate.

One third of the salary of the Governor, Assistants, &c. to be paid in money.

This Court order that the Govern<sup>r</sup> Assistants Secretary and Chief Marshall shall have one third part of what is allowed and due to each of them paid in money.

£1350 more to be raised for paying the soldiers.

Resolved p<sup>r</sup> this Generall Court to add to the rate agreed on by the last Generall Court the sum of 1350 pound for the payment of our Souldiers in the late expeditions to Canada & eastward to be also forthwith rayسد by rate upon all the rateable estate and Inhabitants of this Colony the same to be paid in porke Beife Butter and Corne at the prises agreed on by the last Gen<sup>l</sup> Court or in Cattell at money value to be appraised by persons Indifferently Chosen by the parties that are to pay & receive the same unless they shall agree of the price betweene themselves and that the severall Towns in this Colony that were overrated y<sup>e</sup> last year have so much deducted out of their now rate.

Soldiers paid in provision or cattel.

And that our Souldiers wages both eastward & at Canada expeditions be paid alike in provisions or Cattel.

Agreed on by the Generall Court that what plunder was obtained

by our Souldiers late under the conduct of Major Benjamin Church in y<sup>e</sup> last expedition eastward shall equally belong to y<sup>e</sup> English and Indian Souldiers.

Plunder equally divided between English and Indian soldiers.

Wheras there was complaint made that some of the warrants that went out for calling the two last Gen<sup>l</sup> Courts did not come seasonably to some of the Towns by reason whereof divers of the Magistrates & deputies had not timely notice to attend such Courts and for as much as at s<sup>d</sup> Courts it was agreed that for defraying the debts of the Colony there should be rayseed the sum of 2700 pounds in such proportion and specie as by record of s<sup>d</sup> Courts may appear making such allowance to some particular Towns as was to make good former orders of this Court. There being now a Gen<sup>l</sup> Court assembled and legally warned as p<sup>r</sup> return of the severall Constables have been made to appear. It is now agreed & ordered by this Court and y<sup>e</sup> authority thereof that the said sum of 2700<sup>lbs</sup> be forthwith rayseed according to the proportions & species agreed on by s<sup>d</sup> Courts as p<sup>r</sup> s<sup>d</sup> Records reference thereto being had may appear.

£2700 again ordered to be raised by the General Court.

Wheras severall Towns have neglected to choose raters or several disputes & differences have hapened by reason of some choice made in particular in the Towns of Scituate Bristol Swansey Little Compton Dartmouth Rochester or any other Towns that have neglected the same. It is therefore ordered by this Court and the authority thereof That the Constable or Constables of each of these Towns forthwith warn the Inhabitants of their severall Towns to meet and choose their raters for each Town which raters are required forthwith to make the rates of their severell Towns according to the proportions ordered by the said Courts on the penalty as the law requires & deliver the same with all speed to the Constables of y<sup>e</sup> severall Towns to collect who are to doe the same forthwith demanding the same in such specie and at such prises as s<sup>d</sup> Courts hath ordered And are to deliver or pay the same to such as the Committee of y<sup>e</sup> Colony or County Treasurer shall appoint and if any person shall neglect or refuse to pay their proportion the Constable is hereby required to distrain for the same according to law. And where any refuse to pay or shew to the Constable the value of their rates in specie as is ordered by s<sup>d</sup> Courts he shall levy the same on their persons and cary them to the County Gaol there to remain untill they have paid the same and necessary charges. And it is hereby ordered that if any Town neglect to choose raters above the space of 14 days or raters chosen refuse the same raters shall be appointed by any two magistrates of the County who are hereby impowered & required to make the same on penalty as p<sup>r</sup> law provided.

Persons chosen to make rates.

Penalty for withholding rates.

The Constable to  
call for votes.

And the Constable at each Town to call for the votes of their raters and to give notice to the persons chosen & make a return of what is done in the premisses with all speed to the next magistrate y<sup>t</sup> he may take farther order therein as shall be necessary.

The towns re-  
quested to ex-  
press an opinion  
about a new  
charter.

This Gen<sup>l</sup> Court having information from England that the Colony of Plimouth had been joyned to the Government of New Yorke but the same was prevented by the Reverend Mr. Mather who gave an accompt to Govern<sup>r</sup> Sclater how little service it would be to their Maties and how great dissatisfaction and inconvenience it would be to the people we are alsoe informed that after that we were like to be annexed to Boston but the same hindered by Mr. Wiswall for the present being also informed there is a possibilitie that we may obtain a Charter for ourselves if we speedily address to their Ma'ties Imploy a suitable person to manage and rayse sufficient moneys to cary the same to an end. This Court thinking it their duty to informe the severall Inhabitants in the severall Towns in this Colony thereof that they may not hereafter say they had no notice and that they may make use of the present opportunity as they may se it like to be for their benefit It is therefore ordered that the magistrates or deputies in each Town forthwith order the Constables to warn the Inhabitants of the Towns to assemble And give notice to them of the occasion and that they there have the information above mentioned that they may consider thereof and draw up their minds therein and that the same be signified to y<sup>e</sup> adjournment of this Court And in particular that it be known whether it be their minds we should sit still & fall into the hands of those that can catch us without using means to procure that which may be for our good or prevent that which may be our inconvenience of if they will act then to know what Instruments they would improve and what money they can rayse And must also know that if a pattent can be procured it will not take up less than 500 lb sterling which will take nere 700 lb of our money.

March.  
Public act of  
gratitude to Sir  
H. Ashurst, &c.

It is ordered and agreed that the Honored Gov<sup>r</sup> in behalf of the Colony return their hearty thanks to the Honorable Sir Henry Ashurst & the reverend M<sup>r</sup> Increase Mather & y<sup>e</sup> reverend M<sup>r</sup> Ichabod Wiswall for their care & service for y<sup>e</sup> good of this Colony. And tho' the Colony labour under many Inconveniences being small in Number low in estate & great publique Charges. By reason whereof are not capable to manifest their thankfulness sutable to the obligations that we have and may be layed under yet do desire the Honorable Sir Henry Ashurst to accept 50 Guineas and the Reverend Mr Mather & Mr Wiswall 25<sup>lb</sup> a peice and to desire & empower the Honorable Sir Henry Ashurst that he would be pleased to use

his care & endeavour to procure a Charter from the King for a distinct Government for this Colony with such regulations & enlargements as his Majesty shall be pleased to graunt and to send such power and Instructions as are necessary. And that Sir Henry be pleased to advise with s<sup>d</sup> Mr Mather and Mr Wiswall as he hath opportunity and seeth cause in any thing that may relate to us and that the said Mr Mather and Mr Wiswall be wrote unto, to give such Informations to Sr Henry as they think may be any ways advantageous for us.

And in particular that we may be sufficiently Impowered and required to se that the Gospel be preached in the severall Towns & that care be taken for the maintenance of them that dispenche the same.

It is alsoe ordered that 100<sup>lb</sup> sterling besides be sent unto Sir Henry Ashurst towards the Charge of procuring a Charter as aforesaid & if he shall find it is like to be obtained that he would please to inform us thereof and w<sup>t</sup> is like to be the farther Charge that we may take care therein as may be necessary.

£100 to be paid towards defraying the expenses for procuring the charter.

Agreed on by this Court that the Govern<sup>r</sup> in behalf of the Colony send an Address to their Maties for a new charter for Govern<sup>t</sup> And that the Gov<sup>r</sup> send to Sir Henry Ashurst a Copy of our Charter and such other letters and papers as may be of use and such other Informations as may be necessary.

The Gov. to address their Majesties for a charter.

Ordered by the Court &c. That whatsoever Town or particular persons shall adventure to disburse any moneys for or towards the procuring us a Patent from their Maties for this Colony according to this Courts Address ordered to be made to their said Maties for the enjoyment of our ancient Civill and religious liberties shall be reimbursed the same according to a just and equall proportion thereof if God please to favour us to be in a due capacity for the same.

Those who give towards procuring a charter to be repaid if the Colony are able so to do.

Whereas it was enacted by the Gen<sup>l</sup> Court at Plimouth y<sup>e</sup> 25<sup>th</sup> day of December last past that such persons as should orderly be chosen Raters in any Town of this Colony & shall not accept the same or neglect or refuse to make such rates as in said order mentioned shall pay a fine of five pounds to the use of the Town whereto they belong. Wherefore it is now farther ordered that the one moiety of s<sup>d</sup> fine shall be paid to the selectmen of such Town for y<sup>e</sup> use of the poore there & the other moiety to the raters that shall be next chosen & shall make the s<sup>d</sup> rates.

Recital of a former order.

This Court allow & grant to y<sup>e</sup> Gov<sup>r</sup> and Maj<sup>r</sup> Wally the sum of 5<sup>lb</sup> Cash to bear their Charge & expences to Boston in order to their sending to England relating to a Charter for this Government.

Fine to accrue to the selectmen and those who collect the rates.

£5 granted to the Governor and Major Walley.

Whereas Complaint is made by sundry Indians that were Souldiers in y<sup>e</sup> last expedition eastward that they are wronged in not being allowed an equal part of y<sup>e</sup> plunder then taken as pr Court order is allowed to them.

Indians allowed  
to sue for their  
rights.

This Court graunt liberty to any and every of s<sup>d</sup> Indians that find themselves agreeved: that by reason of their poverty they shall be admitted to sue in forma pauperis for the same before a magistrate or select Court as they shall see cause.

1691.

June.  
Those who have  
killed wolves and  
not received pay  
to be paid.

Ordered that all such persons as have killed any Wolf or Wolves in this Colony since y<sup>e</sup> Government of Sir Edmund Andros and are not yet paid for y<sup>e</sup> same according to Court order shall be paid for the same out of the next rate that shall be here made &c.

Recital of a for-  
mer order.

Whereas it was agreed and ordered by y<sup>e</sup> Generall Court sitting at Plimouth the 4<sup>th</sup> November and first thursday of December last past that there should be 2700 pounds rayised for their Matees service towards defraying the public charges and paying y<sup>e</sup> debts of y<sup>e</sup> Colony as p<sup>r</sup> s<sup>d</sup> Court order may appear In pursuance whereof y<sup>e</sup> rates were ordered to be made in y<sup>e</sup> several Towns and to be comitted to y<sup>e</sup> severall Constables to colect and gather severall whereof have not done or perfected the same do account their year is out and that they are not capable to therein. For the better enabling and impowering y<sup>e</sup> s<sup>d</sup> Constables to collect and receive y<sup>e</sup> rates y<sup>t</sup> yet remain unpaid. It is ordered by this Court y<sup>t</sup> y<sup>e</sup> Constables in y<sup>e</sup> severall Towns for this last year to whom y<sup>e</sup> rates have bin or shall be committed shall have allowed them untill the last of July next to gather in & colect the same or soe much thereof as remains unpaid During s<sup>d</sup> time each Constable to have as full power to demand receive and for non payment to distraine on y<sup>e</sup> estate or persons of such as refuse or neglect to pay as they had any time of their Constableness and all persons to be aiding to them if required as on penalty p<sup>r</sup> law provided And upon notice given to y<sup>e</sup> new Constables of their going to seize any estate or y<sup>e</sup> person of any for non payment of their rate they are to be present to endeavour to keepe y<sup>e</sup> peace and to prevent riots or tumults.

Further time al-  
lowed the consta-  
bles to collect  
rates.

Allowed to seize  
estate in case of  
non-payment.

And whereas some have moved to this Court that y<sup>e</sup> reason why many have not paid is because of their being altogether uncapable to procure meanes to pay their money part of y<sup>e</sup> rate or y<sup>e</sup> very particular



species that y<sup>e</sup> former orders of this Court requires the better to quiet and satisfie such it is ordered by this Court that if any person tender y<sup>e</sup> species or any of them mentioned in y<sup>e</sup> former order of Court or any other such thing y<sup>t</sup> y<sup>e</sup> Constable can dispose of to satisfie y<sup>e</sup> County Treasurer or to pay any of the debts of y<sup>e</sup> Colony the same shall be received Those that pay in specie to pay at y<sup>e</sup> price formerly ordered & others pay as before at money price only for the money part to pay a sixth part more to make good y<sup>e</sup> waste & loss in turning y<sup>e</sup> same to money this order to stand in force any other or former order to y<sup>e</sup> contrary notwithstanding.

Those who pay in goods to pay a sixth more than when paid in money.

It is also ordered y<sup>t</sup> if any person refuse to show any estate that the Constable may seize any estate that by law may be seized for any other debt and cause the same to be prised according to law at money price and to take a sixth part more than y<sup>e</sup> money part of y<sup>e</sup> rate comes to bear loss and waste in turning y<sup>e</sup> same to money as aforesaid.

Estate, when seized by the constable.

It is also ordered that if any person or persons shall neglect or refuse to pay their rate as pr order of Court or refuse to shew an estate or y<sup>e</sup> Constable can not come at y<sup>e</sup> estate of such person to seize and apprise as afores<sup>d</sup> then s<sup>d</sup> Constable shall seize such person or persons for their severall rates and deliver y<sup>m</sup> to y<sup>e</sup> County Goaler & attend the order of this Court concerning the same.

Those who refuse to pay rates to be imprisoned when if he does not account before July.

It is also ordered that after y<sup>e</sup> last of July next soe much as y<sup>e</sup> Constables shall not have paid to or accounted for with y<sup>e</sup> severall County Treasurers they shall be lyable to pay out of their own estates as p<sup>r</sup> law in that case provided.

Rates to be paid by the constable if he does not account before July.

Ordered by this Court that whatsoever pay any of y<sup>e</sup> County Treasu<sup>r</sup>s shall receive for y<sup>e</sup> Countrey & cannot dispose y<sup>e</sup> same in specie to answer the Countrey debts they shall turn y<sup>e</sup> same into money with as little loss and damage as may be.

Wheras this Court having ordered that y<sup>e</sup> Associates or County magistrates shall be chosen by y<sup>e</sup> freemen in y<sup>e</sup> respective Counties, It is ordered y<sup>t</sup> y<sup>e</sup> Constable of each Town forthwith warn y<sup>e</sup> freemen of his town to appear at y<sup>e</sup> County Town on y<sup>e</sup> last Wednesday of this Instant June to choose County magistrates or y<sup>t</sup> they meet in their own Town seasonably before s<sup>d</sup> time and put in their votes or proxys which are to be sealed up before y<sup>e</sup> freemen & sent in to y<sup>e</sup> County Town on y<sup>e</sup> said Wednesday by such persons as they shall choose At which time y<sup>e</sup> magistrates y<sup>t</sup> live in y<sup>e</sup> County shall appear and open said votes and such as have most votes to be declared County magistrates for y<sup>e</sup> ensuing year Three for y<sup>e</sup> County of Plymouth two for the County of Barnstable & three for y<sup>e</sup> County of

The constables directed to warn the freemen to choose magistrates.

Bristol which magistrates shall withall convenient speed give said County magistrates their oaths in which choice s<sup>d</sup> freemen are to have speciall regard to choose in such Towns where they are most wanted & may be capable to do most service.

Every man to be  
provided with  
four pounds of  
bullets.

Ordered that every male person in this Colony of sixteen years old & upward of what rank or quallity soever be always provided with four pound of Bullets fit for the bore of his gun and all other amunition armes & accouterments according to y<sup>e</sup> law in our printed Book.

Public Fast ordered.

Ordered by this Court y<sup>t</sup> y<sup>e</sup> last Wednesday of this Instant be kept & observed by all y<sup>e</sup> Inhabitants of this Colony as a day of publique fasting and prayer &c.

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## **PART III.**

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THE BOOK OF THE  
GENERAL LAWS

OF THE

INHABITANTS OF THE JURISDICTION OF  
NEW PLIMOUTH,

COLLECTED OUT OF THE RECORDS OF THE

GENERAL COURT:

AND LATELY REVISED, AND WITH SOME EMENDATIONS AND ADDI-  
TIONS, ESTABLISHED AND DISPOSED INTO SUCH ORDER AS THEY  
MAY READILY CONDUCE TO GENERAL USE AND BENEFIT,  
AND PUBLISHED BY THE AUTHORITY OF THE GENER-  
AL COURT FOR THAT JURISDICTION, HELD AT  
PLIMOUTH, THE SIXTH OF JUNE, ANNO DOM.  
1671.

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Be subject to every Ordinance of Man for the Lord's sake.

1 PET. 2. 13.

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CAMBRIDGE:  
PRINTED BY SAMUEL GREEN,  
1672.



THE  
GENERAL LAWS  
AND  
LIBERTIES OF NEW PLIMOUTH COLONY.

REVISED AND PUBLISHED BY ORDER OF THE GENERALL COURT,

IN JUNE, 1671.

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CHAPTER I.

THE GENERALL FUNDAMENTALS.

I. WEE the Associates of New-Plimouth, comeing hither as Free-born Subjects of the State of England, endowed with all and singular; the Priviledges belonging to such being Assembled; Do enact, Ordain and Constitute; That no Act, Imposition, Law or Ordinance, be made or imposed upon us, at present or to come; but such as shall be made or imposed by consent of the Body of Freemen or Associates, or their Representatives legally Assembled: which is according to the free Liberties of the State of England.

Laws to be made by the freemen or their representatives.

2. And for the well-governing this Corporation; It is also Resolved and Ordered, That there be a Free Election Annually, of Governour, and Assistants by the Vote of the Freemen of this Corporation; and that none shall presume to impose themselves or any other upon us, but such as are so chose, according to the priviledge granted us by Charter.

Annual elections by freemen.

3. That Justice and Right be equally and impartially Administred unto all, not sold, denied or causelesly deferred unto any.

Justice, equally and speedily administred.

4. It is also Enacted, that no person in this Government shall be endamaged in respect of Life, Limb, Liberty, Good name or Estate, under colour of Law, or countenance of Authority, but by virtue or equity of some express Law of the General Court of this Colony, the known Law of God, or the good and equitable Laws of our Nation suitable for us, being brought to Answer by due process thereof.

None to suffer but according to law of the Colony, law of God or law of England.

All trials to be by a jury.

5. That all Trials, whether Capital, Criminal, or between Man and Man, be tried by Jury of twelve good and lawful Men, according to the commendable custome of England; except the party or parties concerned, do refer it to the Bench, or some express Law doth refer it to their Judgement and Tryal, or the Tryal of some other Court where Jury is not; in which case the party agrieved, may appeal, and shall have Tryal by a Jury.

Liberty to challenge jurors.

And it shall be in the liberty of both Plaintiffe and Defendant or any Delinquent, that is to be tryed by a Jury, to chalenge any of the Jurors, and if the chalenge be found just and reasonable by the Bench, it shall be allowed him, and others without just exception shall be impannelled in their room: And if it be in case of Life and Death, the Prisoner shall have liberty to except against six or eight of the Jury, without giving any reason for his exception.

What testimony in capital cases.

6. That no Man be Sentenced to Death without Testimonies of two witnesses at least, or that which is equivalent thereunto, and that two or three Witnesses being of competent Age, Understanding and of good Reputation, Testifying to the case in question, shall be accounted and accepted as full Testimony in any case, though they did not together see or hear, and so Witness to the same individual Act, in reference to circumstances of time and place; Provided the Bench and Jury be satisfied with such Testimony.

Power and liberty for all to dispose of their estate by will, except such as are sentenced for treason.

7. And It is provided, as the supposed Priviledge of our Charter, that all persons of the age of twenty one years, of right Understanding and Memory, whether Excommunicated, Condemned or other, having any Estate properly theirs to dispose, shall have full power and liberty to make their reasonable Wills and Testaments, and other lawful Alienations of their Lands and Estates; Be it only here excepted, that such as are Sentenced for Treason against the Kings Majesty, the State of England, or the Commonweal; shall forfeit to the King or Colony their personal Estate, their Lands being still at their disposal.

The great end of coming into the wilderness was to enjoy the pure worship of God.

8. That whereas the great and known end of the first comers, in the year of our Lord, 1620, leaving their dear Native Country, and all that was dear to them there; transporting themselves over the vast Ocean into this remote waste Wilderness, and therein willingly conflicting with Dangers, Losses, Hardships and Distresses sore and not a few; WAS, that without offence, they under the protection of their Native Prince, together with the enlargements of his Majesties Dominions, might with the liberty of a good conscience, enjoy the pure Scriptural Worship of God, without the mixture of Humane Inventions and Impositions: And that there children after them might walk



in the Holy wayes of the Lord; And for which end they obtained leave from King James of happy Memory and his Honourable Council, with further Graunts from his Gracious Majesty Charles the first and his Honourable Council, by Letters Patents, for sundry Tracts of Land, with many Priviledges therein contained for their better encouragement to proceed on in so Pious a Work, which may especially tend to the propagation of Religion, &c. as by Letters Patents more at large appeareth, and with further assurance also of the continuance of our Liberties and Priviledges, both Civil and Religious, under the Royal Hand and Seal of our Sovereign Lord King Charles the Second: And whereas by the good Hand of our God upon us, many others since the first comers are for the same pious end come unto us, and sundry others rise up amongst us, desirous with all good conscience to walk in the Faith and order of the Gospel; whereby there are many churches gathered amongst us walking according thereunto.

And whereas (by the Grace of God) we have now had near about fifty Years Experience, of the good consistency of these churches, with Civil Peace and Order, and also with spiritual Edification, together with the welfare and tranquility of this Government;

It is therefore for the Honour of God and the propagation of Religion, and the continued welfare of this Colony Ordered by this Court and the Authority thereof, That the said Churches already gathered, or that shall hereafter be orderly gathered, may and shall from time to time by this Government be protected and encouraged, in their peaceable and orderly walking, and the Faithful, Able, Orthodox, Teaching Ministry thereof, duely encouraged and provided for; together with such other Orthodox able Dispensers of the Gospel, which shall or may be placed in any Township in this Government, where there is or may be defect of Church Order.

The churches of Christ to be protected in their peaceable and orderly walking, and the ministers of the gospel provided for.

9. And finally, it is Ordered and Declared by this Court and the Authority thereof, That all these foregoing Orders and Constitutions, and so Fundamentally essential to the just Rights, Liberties, Common good and special end of this Colony, as that they shall and ought to be inviolable preserved.

All the foregoing fundamentals to be preserved inviolate.

## CHAPTER II.

### CAPITAL LAWS.

It is Enacted by this Court and the Authority thereof, That if any person having had the knowledge of the true God, openly and

Idolatry.

manifestly, Have or Worship any other God but the Lord God, he shall be put to Death. Exod. 22. 20. Deut. 13. 6, 10.

**Blasphemy.** 2. If any Person within this Jurisdiction, professing the true God, shall wittingly and willingly presume to Blaspheme the Holy Name of God; Father, Son or Holy God, with direct, express, presumptuous or high-handed Blasphemy, either by wilful or obstinate denying of the true God, or His Creation or Government of the World; or shall curse God, Father, Son or Holy Ghost, such Person shall be put to Death. Levit. 24. 15, 16.

**Treason.** 3. Treason against the Person of our Sovereign Lord the King, the State and Common-wealth of England, shall be punished by Death.

**Conspiring against this Jurisdiction.** 4. That whosoever shall Conspire and Attempt any Invasion, Insurrection, or Publick Rebellion against this Jurisdiction, or the Surprizal of any Town, Plantation, Fortification or Amunition, therein provided for the safety thereof, or shall Treacherously and Perfidiously Attempt and Endeavour the Alteration and Subversion of the Fundamental Frame and Constitutions of this Government; every such Person shall be put to Death.

**Wilful murder.** 5. If any Person shall commit wilfull Murther by killing any Man, Woman or Childe, upon premeditated Malice, Hatred or Cruelty, not in a way of necessary and just Defence, nor by casualty against his Will; he shall be put to Death.

**Manslaughter.** 6. If any Person slayeth another suddenly in Anger and Cruelty of Passion; he shall be put to Death.

**Murder by guile or poisoning.** 7. If any Person shall slay another through Guile, either by Poysoning or other such Develish practices; he shall be put to Death.

**Witchcraft.** 8. If any Christian (so called) be a Witch, that is, hath, or consulteth with a Familiar Spirit; he or they shall be put to Death.

**Bestiality.** 9. If any person lyeth with a Beast or Bruit Creature, by Carnal Copulation, they shall surely be put to Death, and the Beast shall be slain and buried and not eaten.

**Sodomy.** 10. If any Man lyeth with Mankinde, as he lyeth with a Woman, both of them have committed Abomination; they both shall surely be put to Death, unless the one party were forced, or be under fourteen years of Age: And all other Sodomitical filthiness, shall be surely punished according to the nature of it.

**False-witness.** 11. If any Person Rise up by False Witness, wittingly and of purpose to take away any Mans life; he shall be put to Death.

**Man-stealing.** 12. If any Man Stealeth Man-kinde, he shall be put to Death or otherwise grievously punished.

13. If any Childe or Children above sixteen years old, and of competent Understanding, shall Curse or Smite their Natural Father or Mother; he or they shall be put to Death, unless it can be sufficiently testified that the Parents have been very Unchristianly negligent in the Education of such Children, or so provoked them by extreme and cruel Correction, that they have been forced thereunto, to preserve themselves from Death or Maiming.

Cursing or smiting father or mother.

14. If a Man have a Stubborn or Rebellious Son, of sufficient years and understanding (viz.) sixteen years of age, which shall not obey the voice of his Father, or the voice of his Mother, and that when they have chastened him, will not harken unto them; then shall his Father and Mother, being his natural parents, lay hold on him, and bring him before the Magistrates assembled in Court, and testify unto them, that their Son is Stubborn and Rebellious, and will not obey their voice and chastisement, but lives in sundry notorious crimes; such a Son shall be put to Death, or otherwise severely punished.

The rebellious son, how punished.

15. If a Man shall ravish a Maid or Woman, committing Carnal Rape. Corpulution with her by force; that is above the age of ten years, or if shee were under ten years of age, though her will was gained by him, he shall be punished with Death or some other grievous punishment, according as the Fact may be circumstanced.

16. Whosoever shall wilfully or on purpose, Burn any House, Ship, Barque or other Vessel of considerable value; such person shall be put to Death, or otherwise grievously punished, as the case and circumstances of it may require.

Wilful burning of houses, ships, &c.

## CHAPTER III.

### CRIMINALS.

1. It is Ordered by this Court and the Authority thereof; That what person soever is to Answer any Criminal Offence, whether they be in prison or under Bayle, his Case shall be heard and determined at the next Court that hath proper cognizance thereof, and may be done without prejudice of Justice.

Persons charged with a criminal offence, when tried.

2. It is Enacted by this Court, &c. That whosoever shall Commit Adultery with a Married Woman or one Betrothed to another Man, both of them shall be severely punished, by whipping two several times, viz. once when the Court is in being, at which they were Convict of fact, and the second time as the Court shall Order; and likewise

Adultery, how punished.

to wear two Capital Letters A. D. cut out in Cloth and sewed on their uppermost Garments, on their Arm or Back ; and if at any time they shall be found without the said Letters so worne, whilst in this Government, to be forthwith taken and publickly whipt, and so from time to time as often as they are found not to wear them.

Fornication, how punished.

3. Be it also Enacted, That whosoever Committeth Fornication, before or without lawful Contract, shall be punished by whipping or else pay ten pounds fine each of them, and be imprisoned during the pleasure of the Court, not exceeding three dayes ; but if they be or will be Married to each other, then but ten pounds both, and imprisoned as aforesaid, by lawful Contract, the Court understanding the mutual consent of Parents, Guardians or Overseers, and a solemn promise of Marriage made to each other by the parties, before competent Witnesses.

After contract.

And if any Commit Carnal Copulation after Contract, before Marriage, they shall be Amerced each of them fifty shillings ; and be imprisoned if the Court see Reason ; And if any cannot or will not pay then to be punished by whipping. And for the more discourtenancing to this prevailing evil :

Persons guilty of offences, to be convicted in open court, &c.

The Court hath further Determined, That such as transgress in any of these wayes, shall be convict in publick Court ; and their fines to be paid in money.

4. Forasmuch as many persons of late years have been and are apt to be injurious to the Goods and Lives of others, notwithstanding all Laws and Means to prevent and punish the same ;

Penalty for burglary or robbery.

It is therefore Ordered by this Court and Authority thereof, That if any person shall commit Burglary, by breaking up any Dwelling House, or Ware-house, or shall forceably Rob any person in the Field, or Highways ; such Offenders shall for the first offence be Branded on the right Hand with the letter B, and if he shall offend in the same kind the second time, he shall be Branded on the other Hand and be severely whipped ; And if either were committed on the Lord's day, his Brand to be set on his Forehead ; And if he shall fall into the like offence the third time, he shall be put to Death, as being Incorrigible, or otherwise grievously punished, as the Court shall Determine.

Stealing of vessels or ammunition.

5. And whosoever shall steal or attempt to steal any ship, Barque, or Vessel of Burthen, or any Publick Amunition, shall be severely punished, according to the nature of such a Fact, provided it extend not to Life or Limbe.

Stealing, how punished.

6. That if any Stranger, or Inhabitant of this Government, shall be legally convict of Stealing or Purloining any Horses, Chattels,

Moneys, or other Goods of any kinde, he shall be punished by due reparation to the party wronged ; and a fine, or Corporal punishment, as the Court or three Magistrates shall Determine ; Provided that where such Sentence is not given by the Court, it shall be at the liberty of the Delinquent to Appeal to the next Court, putting in due caution there to appear and abide a Tryal.

7. That any Magistrate may Hear and Determine such smaller Thefts and Pilfrings, as exceeds not the damage or fine of forty shillings, on penalty of stocking or whipping, not exceeding ten stripes, or only legal Admonition, as he shall see cause ; saving liberty of Appeal to the Delinquent as aforesaid. What offences magistrates may determine.

8. It is Enacted by the Court, &c. That whosoever shall profanely Swear or Curse by the name of God, or any of his Attributes, Word or Works ; He or Shee shall be set in the Stocks, not exceeding three hours, or be fined ten shillings, or be Imprisoned, according to the quality of the person ; if a Stranger, the Constable or his Deputy shall demand the fine, which if he refuse, then to set him in the stocks, not exceeding two hours. Profane swearing

9. This Court taking notice of great abuse, and many misdemeanours, committed by divers persons in these many wayes, Profaneing the Sabbath or Lord's-day, to the great dishonour of God, Reproach of Religion, and Grief of the Spirits of God's People Profanation of the Lord's day.

Do therefore Order, That whosoever shall Prophane the Lord's-day, by doing unnecessary servile Work, by unnecessary travailing, or by sports and recreations, he or they that so transgress, shall forfeit for every such default forty shillings, or be publicly whipt : But if it clearly appear that the sin was proudly, Presumptuously and with a high hand committed, against the known Command and Authority of the blessed God, such a person therein Despising and Reproaching the Lord, shall be put to death or grievously punished at the Judgement of the Court.

10. And whosoever shall frequently neglect the public Worship of God on the Lords day, that is approved by this Government, shall forfeit for every such default convicted of, ten shillings, especially where it appears to arise from negligence, Idleness or Prophaness of Spirit. Penalty for neglect of public worship.

11. For as much as the open contempt of Gods Word, and the Messengers thereof, is the desolating sin of Civill States and Churches ;

It is Enacted, that if any Christian so called in this Government, shall speak contemptuously of the Holy Scriptures, or of the Holy Pen-men thereof, such person or persons shall be punished by Fine Penalty for speaking contemptuously of the Holy Scriptures, &c.

or Corporall punishment, as the Court shall see reason, so as it extend not to Life or Limbe.

Or shall behave himself contemptuously towards the Word of God Preached or any Minister thereof called, and faithfully dispensing the same in any Congregation, either by manifest interrupting him in his Ministerial Dispensations, or falsly and peremptarily charging him with Teaching Error, to the disparagement and hindrance of the Work of Christ in his hands, or manifestly and contemptuously reproach the Wayes, Churches or ordinances of Christ, being duely convicted thereof, He or they shall for the first Transgression, be amerced twenty shillings to the Colonies use, or be set in the stocks, not exceeding four hours ; But if He or They go on to Transgress in the same kinde, then to be amerced forty shillings or be whipt for every such Transgression.

None deprived of the liberty of expressing their opinions in an orderly manner.

It is to be understood not hereby, to deprive any of their lawful liberty in a modest and orderly way to propose his scruple for further satisfaction.

12. Although no creature be Lord, or have power over the Faith and consciences of men, nor may constrain them to believe or profess against their Consciences, yet it being a duty to restrain or provide against such as may bring in dangerous Errors or Heresies, tending to corrupt and destroy the souls of men ;

Heresy, how punished.

It is therefore ordered, &c. That if any Christian so called shall within this Jurisdiction, go about to subvert or destroy the Christian Faith or Religion, by broaching, publishing or maintaining any such dangerous Error or Heresie, or shall endeavor to draw or seduce others thereunto ; every such person so offending, and continuing obstinate therein, after due means of conviction, shall be fined, banished or otherwise severely punished, as the Court of Magistrates duely considering the offence, with the aggravating Circumstances and Dangers like to ensue shall judge meet.

Forcible detainer.

13. It is ordered, &c. There where a Judgment is given in any Court, for any person of House or Lands, upon the tryal of the Title thereof, or other just cause, if the person against whom the Judgment is given, doth either forcibly detain possession thereof, either against the Officer impowred to serve an execution thereon, or after Execution served, enter upon it again and so retain possession by force, he shall be accounted an high offender against the Law and Breakers of the Publick Peace ; therefore speedily to redress such a Criminal Offence, every Magistrate is impowred and by his place hath power to give Warrant and Command to the Marshal, Officer and other men whom he thinks meet to be employed in the business, the Mar-

shal or other Officer also requiring aid, greater or lesser as need requires to suppress the force, and give Possession to the Owner, and to imprison such as do appear to be Delinquents and their Aiders and Abettors, to be forth coming at the next Court that did give the Judgment in the Case, there to make their Answer, and whom the Court doth find guilty, to set such fine or other punishment upon them as the merit of their several cases doth require.

14. It is ordered, &c. That whosoever shall disturbe or undermine the peace of this Jurisdiction or Inhabitants thereof, by plotting with others, or by his own tumultuous an offensive carriage, trading, quarreling, challenging, or assaulting, or any other way tending to public disturbance, in what place soever it be done, or shall defame any Court of Justice, or any of the Magistrates of Judges of any Court in this Jurisdiction, in respect of any Act or sentence therein passed; every such Offender, upon due proof made, shall be by the Court of Magistrates punished by fine, imprisonment, binding to the Peace or good Behaviour, according to the quality and measure of the Offence or Disturbance, to them seeming just and equal.

Disturbance of the peace, how punished.

Defamation of Court or Judge.

And that such as Beat, Hurt or Strike any other person, shall be liable to pay unto the party hurt or stricken, together with such fine to the Colony, as on consideration of the party smiting or being smit, and with what Instrument, danger more or less, time, place, provocation, &c. shall be judged just and reasonable to the merit of the offence.

Assault.

15. It is Ordered &c. That if any person shall Forge any deed or conveyance, Testament, Bond, Bill, Release, Acquittance, Letter of Atorney, or any Writeing to prevent Equity and Justice, he shall pay the party grieved double damages, and be fined himself so much to the Countries use, and if he cannot pay to be publicly whipt, and burned in the face with a Roman F.

Forging of deeds, bills, bonds, &c.

16. Be it also enacted; That if any Notary or Keeper of publick Records, or Writeings, shall wilfully embezel or make away any such Records or Writeings of Concernment, committed to his keeping and trust, or shall on purpose falsifie or deface them, by racing out, adding to them, or otherwise; such Corrupt Officer shall lose his Office, be Disfranchized and be burned in the Face, or fined according to the circumstances of the Fact.

Penalty for embezzling records, &c.

17. And if any person shall endeavour to corrupt any Officer that keepeth such public Records or Papers of Concernment, to procure him to Deface, Corrupt, Alter, or Imbezle any of them, he shall be severely punished, by Fine, Imprisonment, or Coporal punishment, as the matter may be circumstanced.

Or attempting to induce an officer to do it.

Publishing of  
falsehoods, how  
punished.

18. It is Enacted, by this Court, &c. That what person soever, being sixteen years of age, shall wittingly or willingly make or publish any Lye, which may be tending to the damage or hurt of any particular person or with intent to deceive and abuse the people with false News or Reports, shall be fined for every such default ten shillings, and if the party cannot or will not pay the fine, then he shall sit in the stocks so long as the Court shall think meet ; and if the Offender shall come to a Magistrate and own his offence, it shall be in the power of that Magistrate to execute the Law upon him where he liveth, and spare his appearance at the Court, but in case where the lye is greatly pernicious to the publick weal, it shall be more severely punished according to the nature of it.

Wilful burning of  
fences.

19. It is Enacted by this Court &c. That if any person shall wilfully, and of set purpose, burn any mans fence ; he shall make good the damage to the party wronged, be amerced forty shillings, and be bound to the good Behavior if the Court see reason.

Breaking of  
fence, gate or  
bridge.

20. And it is further Ordered ; That any person that shall wilfully, and on purpose, break down another mans Fence, Gate or Bridge, to the annoyance either of a particular person, or a neighbourhood ; he shall make up such said Fence, Gate or Bridge at his own charge, pay the damage thereby sustained, and be amerced according to the nature of the offence: saving the right of him that pulls up a Fence set on his land without his approbation.

Removing of  
land marks.

21. And whosoever shall wilfully pluck up, remove or deface any Landmark or Bounds between party and party, that have been, or shall be orderly set up by persons thereunto appointed ; he or they shall be fined from twenty shillings to five pounds as the offence may be circumstanced.

Gaming at public  
houses.

22. It is Enacted by this Court &c. That no In-keeper or publick House, shall suffer any unlawful Games, nor any kinde of Gaming in or about his House, for money or monies worth, Liquors, Wine, Beer, or the like, on forfeit of forty shillings for the Master or Keeper of the House, and ten shillings apiece from each Gamester.

Playing at unlaw-  
ful games.

23. Be it also Enacted, That no person in this Government, shall play at Cards, Dice, Cross and Pile, or any such unlawful Game, wherein there is Lottery, at any private house, or elsewhere in this Government on penalty of ten shillings fine, to be paid by every one that so playes, and twenty shillings by the Master or Head of a Family that shall know of and suffer such Gaming in his House or where he hath Command.

Wearing vizors.

24. It is Enacted by this Court, &c. That no person in this Government shall wear any Vizards, or disguise by strange Apparel, to



lascivious and evil ends and purposes, on penalty of being fined fifty shillings to the Colonies use, for every such default, or being publicly whipt or bound to the good Behaviour, as the Court may see reason.

25. Forasmuch as it is observed, that the sin of Drunkenness, doth greatly abound, to the dishonour of God, impoverishing of such as fall into it, and grief of such as are sober minded ; For prevention, and it may be suppression of that growing and prevailing evil ;

It is enacted by this Court and Authority thereof, that whatsoever persons shall be found drunk at any time in any tavern, ordinarie, Ale-house or elsewhere in this Government, or be legally convict thereof, he or they shall for the first default be fined five shillings to the Countries use ; for the second default ten shillings, and if he or they will not or cannot pay the fine, then to be set in the stocks, not exceeding two hours ; for the third transgression to be bound to the good behavior, and if he shall transgress a fourth time, to pay five pounds or be publicly whipt, and so from time to time as often as they shall be found transgressors in that kinde: by Drunkendess is to be understood one that lisps or falters in his speech by reason of over much Drink, or that staggers in his going, or that vomits by reason of excessive drinking, or that cannot by reason thereof follow his calling.

Penalty for drunkenness.

How defined.

26. Whereas notwithstanding all the care and endeavours of this Court to prevent that great and raging sin of Drunkenness ; yet still many goe on in it ;

Therefore this Court doth further Enact, that the names of such as are found to be common Drunkards in this Government, shall be in-rouled or recorded ; and that whatever person or persons, whether Ordinary keepers or others, shall give, sell or lend, either directly or indirectly any strong Liquors, or Wine, or strong Beer unto any such person or persons, shall forfeit ten shillings, five shillings to the Colonies use, and five shillings to the Informer.

The names of drunkards to be recorded and posted.

And the Names of such as are so found in any Town, shall be set up in some publick place.

27. Whereas many have sustained great damage by indiscreet and untimely firing of the woods ;

It is ordered, &c. That none shall fire the Woods at any time, but they shall give warning thereof to their neighbours about them, and the time of firing them, to be between the fifteenth of February and the latter end of April ; and if any shall unnecessarily fire the Woods, or not observing this order, damnifie any, he shall make good the damage, and be fined ten shillings or be set in the stocks.

Untimely firing the woods.

28. And for as much as some have been injured by careless taking of Tobacco abroad in the streets, and near unto Barns, Stables, Hay-stacks, or Corn-ricks ;

Penalty for  
smoking tobacco  
in the streets.

It is hereby ordered, &c. That whosoever shall be found smoaking of Tobacco in the Streets, or in such places of danger, shall forfeit to the poor of the Town two shillings for every such default, which the Constable may without further Warrant, distrain and dispose of; and if it can be known that damage did accrue unto any by such careless smoaking of Tobacco, it shall be repaired by him that was the occasion of it, or he shall be made to serve it out: Souldiers whilst in Arms are dispensed with, to smoak it in the field.

And if any person or persons shall be found smoaking of Tobacco on the Lords day, going to, or coming from the Meetings, within two miles of the Meetinghouse, they shall pay two shillings for every such default, to the Colonies use.

## CHAPTER IV.

### ACTIONS.

A warrant shall express the character in which the plaintiff sues, and shall not be vitiated by trivial errors.

It is enacted by this Court, &c. That in all Warrants respecting Actions, the special ground of the Action shall be expressed: And that a circumstantial Error in a Summons or Warrant shall not be taken as a sufficient ground for a non-suit, where otherwise both the party and case intended may be rationally understood; and it shall also be expressed in the Warrant, in what quality the Plaintiff sues, whether as Principle, Attorney, Gaurdian or otherwise.

2. Because much time is lost in the beginning of Courts of Tryals, by neglect of timely Entry of Actions;

Time of entry of actions.

It is Enacted by this Court, That Actions shall be Entred upon, or before the first day of the Courts sitting, and not after; And in case any Plaintiff shall delay his Entry longer than the forenoon of the first day of the Court, he shall pay ten shillings to the Countries use, besides ordinary Fees for Tryal of Actions. And all persons whether parties or witnesses are enjoyned to attend their respective concerns the whole time of the Courts publick sitting until they are issued.

After the case is committed to the Jury, no further evidence to be introduced.

And shall present the whole plea and evidence before the case be committed to the Jury, and no other plea or evidence to be admitted to any person, any usage or custome to the contrary notwithstanding.

And to this end all Marshalls and Constables, are required to make their returns of all such Warrants as they have served, sometime the first forenoon of the Court that is to take cognizance of the case concerned therein.

3. Whereas in Suits and Actions brought into Courts between party and party, sometimes the Plaintiffe, and sometimes the Defendant, and sometimes neither of them do attend the call, to prosecute or answer, to the great abuse of Court and Jury, and others concerned in the case, and is contrary to the laudable custome of all Courts in our Native Country and elsewhere ;

*Proceedings when only one of the parties to an action appears.*

It is therefore Ordered and Enacted, That if any Plaintiffe have entered an Action, to be tryed in this Court, or which comes by Replevin, Review, or otherwise, and doth not by himself or by his Attorney, make their appearance and prosecute their Action, after they have been three times called in Court, they shall be non suited ; and if the Defendant appear not to such call, the Plaintiffe appearing, the Suit shall nevertheless proceed : And if plaintiffe or Defendant appear at their call, they shall have their costs granted against him that appeare not ; and if afterwards both parties do agree to try the Case at the same Court, they shall be allowed so to do, the Plaintiffe paying for a new Entry, one half to the Treasury, and the other to the Jury and Officers.

4. And if any person Summoned to answer any Presentment, or for any Fact or Misdemeanour, do not appear at the time appointed, he or they shall be proceeded against for contempt, except it appear they have been prevented by the Hand of God.

*Presentments, how proceeded with when there is no appearance.*

5. The ordinary settled charge for the tryal of an Action in this Court, shall be nine shillings, for the Jury, Secretary, and Marshal, distributed according to the former custome of the Court, and two shillings sixpence per day to Witnesses ; And if the Defendant obtain a Verdict, he shall not only have his Costs allowed him for Witnesses as above said ; but two shillings sixpence per day for what time he hath necessarily attended on the Action, shall be given him without Suit, and this shall bare the Defendant from Suit, unless by Imprisonment, or otherwise he hath been more than ordinarily damaged.

*Charges of trial.*

6. It is also Determined, That it shall be at the liberty of a Plaintiffe, to withdraw his Action at any time before the Jury bring in a Verdict if he see cause, in which case he shall allow the Defendant his full costs, and may afterward Review his Suit at another Court.

*When the plaintiff may withdraw his suit.*

7. Be it also Enacted, That no man in any Suit, or Plaint against another, shall falsely pretend great damages, or debts, to vex or discredit his Adversary : And in all cases where it appears to the Court, that the Plaintiffe hath wittingly wronged the Defendant, in commencing Suit, or prosecuting Complaint or Inditement against

*Vexatious suits.*

him, he shall pay unto the Defendant double costs, and be amerced twenty shillings or more, as the case may be circumstanced, for such his vexatious Suit or Plaint.

Reviews, when allowed.

8. It is further Enacted, That in case a Plaintiffe obtain not a Verdict, he may Review his Action if he see cause ; as likewise may the Defendant, if he be cast ; but if either of them having fallen twice in his Case upon Review, do still go on to Review, and be cast a third time, whereby it appears that he is vexatious and troublesome to the Court and party prosecuted, he shall be awarded to pay double costs to the party and twenty shillings fine to the publick Treasury.

Judgment, when granted.

9. Be it also Enacted, That a Jury bringing in a Verdict, the Bench concurring and accepting it, Judgement shall be forthwith granted ; But if they concur not, the Jury may be put upon further consideration of the case. And if they still retain their Verdict, they shall be required to give their Reasons on which it is grounded, which if they refuse, or having given their Reasons, they appear not of weight, but the Jury through obstinacy or prejudice to the person or case, will maintain their Verdict, the Court may in such case reject such Verdict and impannel another Jury for the tryal of the Action, at that Court or the next ; but if the Second Jury do in the substance of their Verdict agree with the former, it shall be accepted.

A foreigner shall not attach an inhabitant until he has given security for costs.

10. It is Ordered by this Court, &c. That no Attachments shall be granted in any civil Action to any Forreigner, against a settled Inhabitant of this Jurisdiction, before he hath given sufficient security or caution duely to prosecute his Action, and to answer the Defendant such costs and damages as the Court may award.

A summons, how served when the defendant cannot be found.

And it is further Ordered, That in all Attachments of Goods and Chattels, Lands, or Heriditaments which may be in such case where the person cannot be had, whether it be by forreigners or settled Inhabitants, legal notice shall be given to the party concerned, or left in writeing at his House or place of usual abode before the Suit proceed : but if he be out of the Jurisdiction, the cause shall proceed to tryal, but Judgement shall not be entered till another Court, at least a Month after ; and if the Defendant do not then appear, Judgement shall be entered, but Execution shall not be granted before the Plaintiffe hath given sufficient Security to be Responsal to the Defendant, if he shall reverse the Judgement within one year, or such further time as the Court shall see cause to Order.

The person or estate or both may be attached.

11. Although it hath been the common usage of this Court in ordinary cases, not to allow Attachments on any Goods or other estate, where the person can be found to be responsible to the

Plaint ; the Court being apprehensive that in some cases persons may be therein injured ;

Do hereby Order, That it shall henceforth be in the liberty of the Court or any Magistrate, as they or he shall see cause on consideration of circumstances attending the case, to grant Attachment either of the person or estate or both.

12. That a Summons from any Magistrate shall be a sufficient warrant to bring any person within this Government, to answer to any Suit commenced against him. A summons sufficient notice.

13. And that all Warrants, whether to Attach or Summon any to answer to an Action, Presentment or Complaint shall be served three compleat working dayes before the Court, or time appointed for appearance thereat. Warrants, when to be served.

14. Be it also Enacted, That henceforth Goods Attached to a Tryal shall not be released upon the appearance of the party, or Judgement given, but shall stand engaged until the Judgement, or the Execution granted upon the said Judgement be discharged, which for the time thereof, shall be as the Court shall Order ; nor shall any Surety or Sureties for appearance at any Court, except in Capital or Criminal cases, be released from his or their Bond, until an hour at least be expired after Judgement in such case granted ; any Custome or Usage of this Court to the contrary notwithstanding. Goods attached shall not be released, nor shall sureties be discharged, until judgment be satisfied.

15. Liberty is granted by this Court to any person, to improve one or two Attornies to help him in his Pleas ; provided they be persons of good repute, and such as the Court shall approve ; and the said Attornies are required, as to be faithful to their Clyent, so also to avoid fraudulent pleas that may have attendency to mislead the Court or darken the cause. Attorneys, when allowed.

16. And it is Enacted, That if any person be proved a common Barrater, by vexing others with unjust, frequent and troublesome Suits, it shall be in the power of the Court, both to eject his cause, and punish him for his Barratry, by Fine or Imprisonment. Barratry, how punished.

17. It is also Ordered by this Court, That none shall have power to pass away Lands, Heriditaments, or other Estate, or be capable of Sueing or being Sued at any Court in his own person, until he attain unto the age of one and twenty years : But any Orphan may chose their Guardians to act for them, at the age of fourteen years, to secure or defend their Estate as may be requisite. None to convey lands, &c till 21 years of age.

18. It is Ordered, &c. That no man's person shall be restrained or imprisoned by any Authority whatsoever, before the Law hath sentenced him thereunto, if he can put in sufficient Security, Baile or Mainprize, for his appearance and good Behavior in the mean Who are not allowed bail.

time, unless it be in Crimes Capital, and Contempt in open Court, or in such case where some express Act of Court doth allow it.

No levy to be made on lands where goods are found, nor shall the sureties be distrained when the principal has property and can be found.

The beast of the plough shall not be distrained when there is other property. Replevin, when allowed.

19. It is Ordered, &c. That no debt be leavied on Lands or Rents, so long as the Debtor hath Goods and Chattels to be found to satisfie ; neither shall the Pledges or Sureties be distrained, so long as the Principle is sufficient and can be found.

20. That Beast of the Plough or Draught shall not be distrained for Debt, so long as others may be found to satisfie the Debt except for damage feasant.

21. It is Ordered, That every man shall have liberty to Replevy his Chattel or Goods impounded, distrained or seized, unless it be upon Execution after Judgement, or for payment of Rates, or Fines, provided he put in good security to prosecute the Replevin, and to Satisfie such damage and charge as his Adversary shall recover against him in Law.

Debts to be paid in specie.

Fines to be forthwith paid or secured ;

and paid in money if they do not exceed ten shillings.

22. That all Debts be paid in specie, according to Contract.

23. That when any Delinquents are fined to the Country, they shall forthwith pay their fine or give security to the Treasurer for the same, or their persons secured till they do.

And that all fines not exceeding ten shillings shall be paid in money.

## CHAPTER V.

### COURTS.

That the Affaires of this Jurisdiction may be the better carried on ; It is Agreed and Declared, that there be several Courts, for several purposes, and of different constitutions and power.

#### AND FIRST OF THE GENERAL COURT.

The General Court, of whom to consist.

Its power.

The General Court shall consist of the Governour, and Assistants, and Deputies for each Township in this Jurisdiction, which Deputies shall be Annually chosen, according to order of Court in that case provided, and shall be sent to each General Court, with full power of all the Freemen deputed to them, and as the Countries Representatives, together with the Magistrates, to consult of, and determine all such matters, and to make and establish all such Laws and Orders as concerne the publick welfare of this Colony, the matter of Election of Magistrates and other Officers only excepted, wherein every Freeman is to give in his vote according to the accustomed usage of this Court.

2. It is Enacted, that this General Court, and all the Members thereof, shall meet and sit at Plimouth, on the first tuesday in June Annually, (nothing extraordinary preventing) and that then there shall be the Election of all our Magistrates, viz. a Governor and seven Assistants, and likewise the Election of two Commissioners for the United Colonies, and our Treasurer, who shall be all chosen out of the Freemen, and by the free Votes of the Freemen of this Corporation, and not otherwise.

Place and time  
of sitting.

Election of Gov-  
ernor, &c.

And that at this Court also, the Deputies, Selectmen, Grand-jury-men, Constables, and Supervizors of the Highways, be presented to be established in their respective places, all which being first dispatched, then the Magistrates and Deputies shall continue together, to Consider and Order all such other affaires of this Jurisdiction as fall within their Cognizance, Trust and Power, until they shall see cause to dissolve or adjourn the said Court unto another time.

Officers to be es-  
tablished.

3. It is also Ordered, That besides the said fixed Courts, the Governour or in his absence, the Deputy Governour, and in their absence the greater part of the Magistrates of this Jurisdiction, shall have power to Summon a General Court, either the whole body of Freemen, or their Representatives at any time, as the urgent and extraordinary occasions of the Jurisdiction, or any part thereof may require.

Who may sum-  
mons a General  
Court of the body  
of freemen, or  
their representa-  
tives on special  
occasions.

And if any of the said Magistrates, or Deputies shall without just cause, either be absent at the first sitting of any of the said General Courts, whether ordinary or extraordinary, or without leave depart, or disorderly absent him or themselves from the service thereof, before the Court be finished, he or they shall each of them pay twenty shillings, for a fine to the Jurisdiction, for such absence or departure, but if the absence or departure be mingled with Contempt, or wilful neglect, the fine shall be increased, as the Court upon due consideration of the offence, with the aggravations, shall judge meet.

Fine for non-ap-  
pearances or de-  
parture without  
leave.

4. And in regard that through Age, Inability of Body, or Urgency of Occasions, many of the Freemen cannot attend the Courts of Election ;

Liberty is hereby granted to such of the Freemen as will not be there in person, to send their Votes by proxy, viz. by the Deputies of their respective Towns ; provided that such Votes be given to the said Deputies in open Town Meeting, and shall by the Deputies, be there sealed up severally, (that is to say) Votes for Governour by themselves, Assistants by themselves, &c. And that the Deputies

Proxies may be  
sent.

also take a List of the names of such as sent Votes by them, that they may answer for them when they are called ;

Penalty for neglecting to appear at court or to send a proxy.

And that whosoever of the Freemen, do not appear at Election, in Person, or by Proxy, he shall be for such neglect, amerced to the Treasury ten shillings.

Rights of the freemen.

5. Forasmuch as the Freemen of this Corporation, have been declared to be the Associates of this Government, and have the privilege and power of chosing Officers, and by themselves or their Representatives, together with the Magistrates, of making and Repealing Laws and management of the greatest concerns of this Common Weal.

Who to be admitted freemen, and in what manner.

It is therefore Enacted by this Court and the Authority thereof, that none shall be admitted a Freeman of this Corporation, but such as are one and twenty yeares of age at the least, and have the testimony of their neighbours, that they are of sober and peaceable conversation, Orthodox in the Fundamentals of Religion, and such as have also twenty pounds rateable Estate at the least in the Government. And that the Court may be well informed, that such persons as are to be admitted Freemen are so qualified ; they shall stand propounded a compleat year, before they take up their Freedome, unless it be some person that is generally known and approved, or of whom the Court may make present improvement : And all Freemen to be taken in at Election Courts only and in open Court.

When to be disfranchised.

6. And forasmuch as some corrupt Members may creep into the best and purest Societies ;

If any Freeman of this Corporation shall be discovered to be notoriously vitious or scandalous, as common Lyars, Drunkards, Swearers, Apostates from the Fundamentals of Religion, or the like or doth manifestly appear to be disaffected to this Government ; upon legal and due conviction of all or any of these, it shall be in the power of the General Court to Disfranchise him if they see cause from the priviledge of a Freeman.

And because it greatly concerns the good and Weal of the whole Colony, to have a good choice made in the several Towns, of Selectmen, Deputies, Grand-jury-men, Constables, &c. and it appears that some do abuse their liberty in Voting for choice of such Officers, and are either factious or slite in their choice ;

Who to vote in town meetings for choice of officers.

It is therefore Enacted, That henceforth none shall have power to Vote on such accounts in Town meetings, but such as are Freemen of the Corporation, or Free-holders of twenty pounds Rateable Estate, Orthodox in the Fundamentals of Religion, of good Conversation, and having taken the Oath of Fidelity.



7. It is Enacted, That each Township in this Jurisdiction, do Annually, Elect and Chose one or two fit men out of the Freemen, for their Deputies, with full power as aforesaid, to attend the service of the General Court, and the adjournments thereof, or for the whole year, in pain of forty shillings, and the respective Constable, to return the names of those so chosen to the Court, in pain of twenty shillings to the Colonies use.

Deputies to be annually elected, and their names presented to the Court.

8. And if the Court to whom such Deputy or Deputies be presented, do upon the taking notice of their Members, adjudge any of them to be unfit for such a trust, then shall the Court return them with the reason thereof, unto the Town from whence they were sent, that they may make choice of fitter persons to send in their stead, as the opportunity will permit.

In what case to be refused, with the reason returned to the town.

9. It is ordered, &c. That nothing shall be concluded, and pass as an Act of the General Court, but by the consent and vote of the major part of the Court.

No act to pass without the consent and vote of the majority.

And the Governour, or in his absence the Deputy Governour, shall have a casting Vote, whensoever there shall be an Equi-vote, either in the General Court or Court of Assistants.

When the Governour or Deputy Governour shall have a casting vote.

10. That in case either of the Commissioners chosen, shall by Gods providence be disinabled to attend the service thereof, then the next in nomination for that choice shall attend that service in his stead.

If either of the persons chosen commissioner cannot attend, the next in nomination to take his place.

11. And it is Ordered, That until the Court see cause for the Freemens annual Electing of a Deputy Governour, the eldest Assistant shall supply that place in the Governours necessary or unavoidable absence.

The eldest Assistant to be Deputy Governor.

#### SECONDLY, COURTS OF ASSISTANTS OR MAGISTRATES.

For the better Administration of Justice ;

It is Ordered and Enacted by this Court and the Authority thereof; That there be and shall be a Court called the Court of Assistants or Magistrates, wherein all the Magistrates for this Jurisdiction shall meet and sit at Plimouth at least three times a year, namely the first tuesday in March, the first tuesday in July and the last tuesday in October, to hear, examine, and determine all capital, Criminal, and Civil causes according to Law, and to receive and try all Appeals duely brought unto them from any Inferiour Court, or sentence passed ; And to call all the Inhabitants, Freemen, Planters, or others to account, for the breach of any Laws or Orders established or for other misdemeanours, and to Censure them according to the quality of the offence and Law in such case provided, and to summons Juries of Inquests, and Tryals out of the Townships in this Jurisdiction, and

Court of Assistants, where and when to sit.

Its jurisdiction.

to make and constitute Clerks or other needful Officers, &c. in which meetings of the Magistrates, less than four Magistrates shall not be accounted a Court.

2. And that Justice be not deferred, nor the Country needlessly charged ;

A Court of Assistants may be called on special occasions.

It shall be lawful for the Governour or in his absence the Deputy Governour to call a Court of Assistants, for the Tryal of any Malefactor in Capital causes, or upon any other weighty occasion, as he shall see cause.

A special Court may be called at the request of strangers.

3. That it shall be lawful for the Governour, Deputy Governour or any two Magistrates, to call a special Court at the Request of any Stranger, or Forreigner for Tryal, in a case of considerable value ; provided such stranger put in security to defray the charge thereof, at which Court there shall not be less than three Magistrates.

One stranger may sue another.

4. And that it shall be lawful for any stranger, upon Legal Summons, to enter any action in any of these Courts, against any person that is not an Inhabitant amongst us.

The Bench may determine matters of equity.

5. That the Bench shall have power to determine all such matters of Equity, as cannot be relieved by the Common Law ; as the forfeiture of an Obligation, breach of Covenants without great damage or the like matters of apparent Equity.

The Court may inflict penalties for a violation of such laws as have none prescribed.

6. It is also Ordered, that in all Laws which are or shall be made, where no fine or penalty is expressed and limited, all Transgressors are and shall be liable to such reasonable penalties or punishments as the Court of Magistrates duely weighing the nature of the offence, with the circumstances, shall judge meet.

### THIRDLY, THE COURT OF SELECTMEN.

For prevention of unnecessary charge and travail to the Country, and incumbrance to other Courts, by small causes ;

Selectmen, how chosen, &c.

It is Ordered, &c. That three or five fit men be Annually chosen by papers, out of the Freemen in each Township in this Government, and presented at Election Court, who being approved by the Magistrates as Select-men and sworn, to the faithful discharge of their trust ; shall have power to hear and determine, by their best discretion, according to the Law here established, all causes, wherein either party is an Inhabitant of their Town, and the Debt, Trespass or Damage, doth not exceed forty shillings, and have hereby power to send for Parties, and Witnesses by Summons, which may be served by the party, or attachments directed to the Constable, as the case may require ; as also to administer Oathes to Witnesses, and also to grant Execution for the Leavying of such Debts, or Damages, for the use of the person damnified.

2. And if the party being legally Summoned, do not appear to answer, the Plaintiff shall notwithstanding have his action proceed, &c. as it is in that case for other Courts before provided: see tit. Actions.

When the defendant does not appear, the action may proceed.

But where the party shall be Attached, and refuse to give Bond for his appearance, or being Sentenced, refuse to give satisfaction, and no Goods appear in the same Town where the party dwells, the Select men may then charge the Constable with the party, to carry him before a Magistrate to be forthwith proceeded with according to Law, and not by the Select men, to be committed to prison in any case.

3. And where any of the three select men may be party in the case, or absent, by an unavoidable act of Gods providence, then the other two are impowred to issue the case, or the other Select men where there is no Magistrate; and the Select men to have three shillings of the Plaintiff for every case they or any two of them where there is but three agree to give verdict upon.

When two of the selectmen may try actions.

And that henceforth no Debt or Action proper to their cognizance be received, (except in cases of Defamation or Battery) into any other Court but by appeal.

Liberty of appeal to the next Court of Assistants, being hereby granted to the grieved party, either before or after one review of his case; provided he tender his Appeal, and put in Security before the Select men or one of them, to prosecute his Appeal to effect, and to satisfy all damages before Execution is granted, which shall not be till twelve hours after Judgement.

Appeals, &c.

4. It is further Ordered, That all appeals with the security as aforesaid, shall be Recorded at the charge of the party Appealing, and certified unto the Court to which they are made, together with all the Testimonies according to which they gave in their Verdict, and the Court Appealed to, shall judge according to those Testimonies and no other; and if they finde matter of Fact and Judgement according to Law with the other Court, they shall not revoke the Sentence or Judgement, but abate or increase damages as shall be judged right.

How appeals shall be conducted, &c.

And that any of the Magistrates or Selectmen where no Magistrate is, at the Appealants, request, grant a Precept for the Defendants appearance at the Court Appealed to; And if such Appealment do not prosecute his Appeal to effect according to Law, shall besides his Bond to the party forfeit forty shillings fine to the Country for such neglect.

It is further Ordered, That the Select men shall also hear and de-

What cases the selectmen may determine.

termine any Difference, Debt or Damage whatsoever arising between any of the English in their Town, and any of the Indians, except matters of a Capital or Criminal Nature, and title of Land: Liberty also being granted to any of them grieved at the Sentence there passed, to Appeal to the next Court of Assistants, and to be directed therein by the Select men.

## CHAPTER VI.

### PRESENTMENTS, INDICTMENTS, JURORS AND JURIES.

Presentments and complaints to be made within one year, except—

It is Ordered by this Court, That no person shall be Indited, Presented or Informed against to any Court or Magistrate within this Jurisdiction for the breach of any penal Law, or any other misdemeanour, the forfeiture whereof belongs to the Country, unless the said Indictment or Information, &c. be made and exhibited within one year after the offence be committed or else to be void and of none effect; provided alwayes this Law shall not extend to any Capital Offences, or any crimes that may concern loss of Member or Banishment, or to any Felonies above twenty shillings.

Nor shall it hinder any persons grieved for any wrong done to him, his Wife, Children or Servants, or Estate, real or personal, but that every such person shall have such remedies as formerly he might or ought to have.

Persons indicted for capital crimes to have their property forfeited, &c., unless they surrender themselves.

2. It is Ordered; That if any person shall be Indicted of, or legally charged with any Capital crime, (who is not then in durance, and shall withdraw or refuse to render his person to some Magistrate or Officer in this Jurisdiction, within one month after three Proclamations made publickly in the Town where he did formerly usually abide, their being a full Moneth betwixt Proclamation and Proclamation; his Lands and Goods shall be seized to the use of the Jurisdiction (and Ordered with due respect to his family, as the Court of Magistrates shall judge meet) till he make his lawful appearance; and such withdrawing of himself shall be and stand instead of one Witness to prove the crime charged, unless he can make it appear to the Court, that he was necessarily hindred.

### JURORS AND JURIES.

Grand jurors, how chosen and empannelled.

It is Enacted by the Court and the Authority thereof; That a Grand Inquest of able and discreet men be Impannelled by the Governour and Assistants, which are to be chosen out of the several Townships of this Government, as by Warrant shall be directed to

them, to serve his Majesty by inquiring into, and preventing the breach of such wholesome Laws and Ordinances as are or shall be here established, and all such misdemeanours as manifestly tend to the hurt and detriment of Religion, Civility, Peace, society or neighbourhood they shall know or be informed of, upon the Testimony of any one or more Witnesses upon Oath, to be committed by any person or persons within this Jurisdiction, and to do any other service which shall on His Majesties behalf be required of them at such Courts and times as shall by Warrant from the Governour or Magistrates be required of them ; Provided no person whatsoever, shall be bound to Inform, Present, or Reveal any private Crime or Offence, wherein there is no peril or danger to this Colony, or any Member thereof, when any necessary tye of Conscience binds him to secre-  
 tie : unless it be in Testimonies lawfully required of them. Their duty.

And every Grand-juror shall be allowed by their respective Towns Fees.  
 two shillings sixpence a day, for their time and charge whilst they attend any of the several Courts, except the Courts of Election whereat they are presented to be sworn.

And that such as refuse to serve on the Grand Inquest, being or-  
 derly chosen, shall be fined forty shillings to the Colonies use, and such as shall absent themselves from attending their service at any of the Courts, they shall be warned unto, shall be fined ten shillings unless they give sufficient reason for such their absence. Penalty for not serving.

2. That Petty Juries be summoned by the Governour, or some other of the Magistrates at such Courts as their may be occasion, and be impannelled and swore truely to try between party and party, and shall finde the matter of fact with the damages and cost, according to their evidence, or truely to try between our Sovereign Lord the King, and any Prisoner brought to the Bar, and the Judges shall declare the Sentence, or direct the Jury to finde according to Law ; and in all cases wherein the Law is obscure, so as the Jury cannot be satisfied therein, they have liberty to present a special Verdict, viz. If the Law be so in such a point we finde for the Plaintiffe, but if the Law be otherwise, we finde for the Defendant, in which case the determination doth properly belong to the Court. And all Jurors shall have liberty in matters of fact, if they cannot finde the main issue, yet to finde and present in their Verdict so much as they can ; the Foremans allowance being one shilling ; and sixpence a piece to the rest of the Jurors for every Action that stands entred after they are sworn. Petit jurors how empannelled and sworn.  
  
May give a special verdict.

## CHAPTER VII.

## CONSTABLES.

Constables chosen annually.

It is Enacted by the Court &c. That in every town in this Government, shall be annually chosen one or more fit men for Constables ; whose Names shall by the Deputies of the Towns, be returned to the Election Court, and shall there, or within a week after the Court present himself to a Magistrate to take oath.

Penalty for refusing to serve.

2. That whosoever be chosen to the office of a Constable, doth refuse to serve therein, or will not take the Oath appertaining to that office, he shall be amerced the sum of four pounds, the one half to the Colony, and the other half to the publick use of the Town where he dwells ; and the Town forthwith to chuse another.

None compelled to serve as constable oftener than once in seven years.

3. And because a Constables place, though a place of trust, is also burthensome ;

It is Ordered ; That if any man have borne the Office of a Constable, he shall not be compelled to serve in the same Office, in the same Town, nor any other in this Government, to which he may remove, in seven years after ; and that all Constable shall be freed from Training, and Military Watches.

Constable may appoint a deputy.

4. That if any Constable within this Government, have occasion to go out of the Town-ship wherein he is Constable, for some time, he shall have power to depute, and by due satisfaction procure another meet person in his stead, as his Deputy, who shall execute the Constables place during his absence, as effectually as he himself might do ; provided that the person whom he so deputeth, be not one that hath served in the place within two years before, except he be willing ; And in case any Constable shall neglect to provide and depute one in his stead, as aforesaid, to forfeit ten shillings for every default.

To collect rates and fines, and serve summonses.

5. That the gathering of Country Rates, Town Rates, Ministers Rates, also the leavying of fines in the respective Towns, and serving of Executions, by Warrant from any Lawful Authority here established, shall belong unto the Office of a Constable, together with the serving of such other Warrants and Summons, as shall be by the said Authority directed by him ; and shall have twelve pence for serving a Summons, two shillings sixpence for serving an Attachment, in hand to be paid by the Plaintiffe, and returned again unto him by the Constable in case he fail in serving thereof.

## MARSHALS AND CONSTABLES DIRECTIONS.

6. That Justice may be the better Executed, the Jurisdictions occasions carried on, and that the Marshal and other Officers may know how to demean themselves in their places ;

Officer first to demand debts, and in case of neglect or refusal to seize property.

It is Ordered ; That in case of Rates and Fines to be leavied, and in case of Debts and Executions in Civil Actions, the Officer shall first demand the Sum due of the party or at his house or place of usual abode, but upon refusal or non-payment, he shall have power to leavie the same upon any Goods liable to such Leavie or Execution wheresoever it shall be ; and if he be to take the person he may do the like, if upon demand he shall refuse to render himself : And whatsoever charges the Officer in any such case shall necessarily be put unto, in leavying or transporting the Goods or Matters leavied unto the Treasurer or party concerned, who is to receive the same, he shall leavie the said Charges also, as he doth the Debt, Assessment or Fine ; Provided it shall not be lawful for any such Officer to leavie any mans necessary Bedding, Apparel, Tools, Arms or such Implements of Household stuffe as serve for his necessity, without express direction from the Court or some one of the Magistrates ; But in such case he shall leavie his Land or Person according to Law ; and in no case shall the Officer be put to seek out any mans Estate further than his place of abode, but if the party will not, or doth not discover his Goods, or Lands to a sufficient value, the Officer may take his person, who shall be kept in durance at his own charge till he make discovery of his Estate to satisfie the same, if he be solvent, but if he be insolvent, then at the Creditors charge.

Goods exempt from attachment on execution.

And it is also Ordered ; That if any Officer shall do injury to any by colour of his Office, in these or any other cases, he shall be liable to make restitution, upon complaint by Action or Information.

Officer doing wrong to make satisfaction.

And it is further Ordered, That the Constable or other Officer that shall not faithfully Collect such Rates, Assessments, Fines, or Debts and Dues, as shall from time to time be committed to him, or required of him by order of any lawful Authority here established, or that shall not attend his Order, to pay or deliver the same so Collected unto the Treasurer, or any other person or persons concerned therein, he shall be liable to make good all the damages that comes thereby unto the party or parties wronged, and to suffer such punishment by fine to the Country according to the trespass.

7. It is Ordered by this Court and the Authority thereof ; That the Constable shall whip or punish any to be punished by Order of

Constables to punish by whipping when ordered by court.

Authority, (Where there is not another Officer appointed to do it) in their own Towns, unless they can get another to do it.

To receive and convey offenders.

General powers of constables.

Penalty for refusing to assist the marshal or constable.

Constables directed to have a black staff.

8. It is further Ordered; That any and every person tendered to any Constable of this Jurisdiction, by any Constable or other Officer of our own, or belonging to any forreign Jurisdiction in this Country or by Warrant from any such Authority, shall be presently received and conveyed forthwith from Constable to Constable till they be brought to the place to which they are sent, or before some Magistrate of this Jurisdiction, who shall dispose of them as the justice of the cause shall require; And all Hues and cries shall be duely received and diligently pursued to full effect: and where no Magistrate is near every Constable shall have full power, to make, signe, and put forth Pursuits or Hues and cries after Murtherers, Man-Slayers, Peace-breakers, Thieves, Robbers, Burglars, and other Capital Offenders; as also to Apprehend without Warrant, such as are overtaken with Drink, Swearing, Sabbath-breaking, Vagrant Persons, Night-walkers, provided they be taken in the manner, either by the sight of the Constable, or by present information by others: As also to make search for all such persons, either on the Sabbath day or other, when there shall be occasion, in all Houses Licensed to cell either Beer or Wine; or in any other suspected or disordered places, and those to Apprehend and keep, in safe Custody till opportunity serve to bring them before one of the next Magistrates to further Examination, provided, when any Constable is employed by any of the Magistrates for Apprehending of any person, he shall not do it without Warrant in Writeing: And if any person shall refuse to Assist any Constable or Marshal, in the execution of his office, in any of the things aforementioned, or otherwise as occasion shall require, being by him required thereto, they shall pay for neglect thereof ten shillings to the use of the Country, to be leavied by Warrant from any Magistrate, before whom any such Offender shall be brought; and if it appear by Good Testimony, that any shall wilfully, obstinately and contemptuously refuse or neglect to Assist any Constable, as is before expressed, he shall pay to the use of the Country forty shillings.

And that no man may plead Ignorance for such neglect or refusal;

It is Ordered, That every Constable shall have a Black staffe tipped with Brasse, as a Badge of his Office, which as he hath opportunity, he shall take with him when he goeth to discharge any part of his Office, yet notwithstanding, the want of his Staffe shall not hinder him from Executing his Office in any kinde, if occasionally



he be without it, nor exempt any from assisting him therein, that may know him to be the Constable.

And if any Magistrate, Constable, or other, upon urgent occasion, shall refuse to do their best endeavor, in raising and prosecuting Hues and cries by foot, and if need be by Horse, after such as have committed Capital Crimes, they shall forfeit for every such offence to the use aforesaid, forty shillings.

Penalty for not raising hue and cry on urgent occasions.

9. It is Ordered &c. That the Constables in their respective Townships, shall warn Town-meetings of their Inhabitants, as they shall receive Order from any of the Magistrates, Select-men or Deputies of their Towns upon any due occasion to them seeming for such Town-meetings, in pain of twenty shillings for his neglect.

Constables to warn town meetings.

It is Ordered that three or five men be chosen in each Township of this Jurisdiction, by papers, to make Assessments or Rates upon all the Inhabitants of their Town, as there shall be need or occasion, for defraying of the publick charge of the Country, or the particular charges arising in their Townships, according to Order of Court in such case provided, or for leavying any fine laid upon the Town, and if the Inhabitants of the Town do not come together upon the Constables warning, and chose Raters, the Town shall forfeit five pounds to the Countries use.

The towns to choose assessors.

Penalty for neglect.

And if the Raters so Elected, do not make such Rates committed and ordered to them to be made, and transcribe and deliver or cause to be delivered a fair copy thereof to their Constable, within fourteen dayes or sooner if the occasion shall require, shall forfeit twenty shillings a piece, and if their neglect be mingled with Contempt, forty shillings a piece to the Country.

Penalty for neglecting to make rates.

And it is further Ordered, That the Court or any two of the Magistrates may, as need shall require, upon defect of any Towns choosing Raters, or the Raters neglect to make such Rates, as by Order of Court are committed to them, make choice of three men to make such Rate.

10. It is also Ordered, &c. That the Constable is impowered to make distress on the Goods of such as neglect to pay their part of any such Rates as aforesaid, in unto him or his Order in the Township, and to have one shilling for such distress: And if he cannot get in all the Rates, Assessments, committed to him during the time of his Office, he shall notwithstanding the expiration of his Office, have power with the Assistance of the next Constable to leavie by distress all such Rates and leavies.

Fees for distress

11. And in case the Constable neglect to gather in any of the said Rates, within forty dayes next after he hath the said Rate, or sooner

Penalty for not collecting rates.

upon special occasion, he shall be liable to pay it himself, and to be Recovered by Suit or distraint on his goods, especially for such Rates as are not gathered and brought in to the Treasurers Order, according to the time mentioned in his Warrant ; which if the Treasurer neglect, he shall be answerable to the Country for the same ; And if the Constable be not able to make payment, It shall be lawfull for the Treasurer to distreyne for all Arrearages of Rates and Leavyes any man or men of that Town where the Constables are unable, and that man or men upon request to the Court, shall have Order to collect the same again equally of the Town with his just damage for the same.

12. And for the more equal and ready way of raising means for defraying necessary and publick charges of all sorts ;

Rules for making rates.

It is ordered that all Rates and Assessments shall be equally proportioned by the Raters, according to each mans different personal Abilities, Faculties and Estates, both personal and real, being or reputed to be the Estate of each person in the same Town, or otherwise under their Custody or Managing, according to the just valuations as near as may be viz. Lands improved by Plough or Hough, or by cutting and taking of Timber from it or Renting it, and all Meadow Lands, and Cattel of all sorts, Mills, Ships, Barques, Ketches, and other Vessels, Merchantable Goods and other known Estate whatsoever, (Household-stuffe and Goods of that kinde, provided and kept for that use and not for Trade, onely excepted.)

And for encouraging of Traffick ;

It is Ordered, That Barques Ketches and other Vessels, with what Stock is employed in Traffick at home and abroad, shall be Rated but at the one half of their value.

Constable and selectmen to look after such as sleep or play about the meeting-house on the Lord's day.

13. It is Enacted by the Court ; That the Select men and the Constable or his Deputy in each respective Town in this Government, shall diligently look after such as sleep or play about the Meeting house, in times of the public Worship of God on the Lords-day, and take notice of their Names, and return such of them to the Court, who do not after warning given to them reform ; as also such as practise unnecessary violent Riding on the Lords-day.

## CHAPTER VIII.

### MINISTERS MAINTENANCE.

Whereas this General Court taking into their serious consideration, the great defect that either is or would be in any Townships of this

Jurisdiction, where there is wanting an Able, Godly, Teaching Ministry, and the great prejudice to the souls of many like to ensue, and being desirous according to our duties, that such defects should not be, for want of due incouragement to such as either are, or shall be employed in so good a work of the Lord ; And in consideration of the several Townships granted by the Court were so accommodated, as that they might receive such a number of families as might comfortably maintain the publick worship of God there ; do therefore judge, that the whole, both Church and Town are mutually ingaged to support the same ;

And do therefore Order and Decree, That in whatsoever Township there is or shall be an Able, Godly, Teaching Ministry, which is approved by this Government, that there three or four men be chosen by the Inhabitants, or in case of their neglect, by any three or more of the Magistrates, to make an equal and just Proportion or Rate upon the Inhabitants, according to their Estates and Abilities, to make such convenient maintenance for his comfortable attendance on his work, as shall be agreed upon by the Church in each Township where any is, with the concurrence of the rest of the Inhabitants, if it may be had, or by the Magistrates aforesaid, in case of their apparent neglect ; And that distress be made by the Constable as in other just cases, upon such as refuse or neglect to pay such their due proportions: But in case any Town either by a free contribution, or other good and honourable way, do effect the end aforementioned, this Law not to be binding to them.

Ministers, how supported.

And forasmuch as it appeareth to be greatly inconvenient, that the Ministers should be troubled to gather in the Rates for their maintenance, and it may be an occasion to prejudice some persons against them or their ministry ;

It is Ordered by this Court, That at June Court yearly, two meet persons in each Town be appointed by the said Court, unless the Towns have provided, and do present them, who shall take care of gathering in their Ministers maintenance for that year, by insiting the people to their duty in that respect, demanding it when due, and if need be by procuring distraint upon the Estate of any that shall neglect or refuse to pay their Rates or Proportions towards his support, and in case any Minister make scruple to receive what is so raised, it shall nevertheless be gathered as abovesaid, and be disposed as the Court shall order or advise for the good of the place.

Who to collect the minister's salary.

Whereas it hath been and is the pious care, and true intent of this Court, that all such Plantations and Townships as are by them granted, should maintain the publick Sabbath Worship of God, and the

preaching of the Word, and do to that end afford them such proportions of Land as may accommodate such a society as may be able to maintain the same, and yet through the corruption or sinful negligence of many, or most of the Inhabitants of some Plantations, they do or may content themselves to live without the Ministry of the Word, to the great dishonour of God, and danger of their Souls ; and there being great reason to fear that many may be acted therein by worldly and covetous principles ;

The General Court may impose a tax upon any town for the support of the ministry, which neglects it.

It is therefore Enacted by this Court, &c. That in such Plantations and Townships, where no Minister is residing, especially if it appear that the generality of the Inhabitants are remiss in the obtaining one ; the General Court may and shall henceforth yearly impose a certain sum to be raised by Rate, upon the Inhabitants of such Plantations or Townships, which shall be kept as a stock for building a Meeting house, and for incouragement of a Minister to labour amongst them, or other such pious use as the Court may improve it in for their good,

No public meeting to be set up without the approbation of the Court.

2. And it is Enacted by this Court and Authority thereof, That no publick meeting be set up within this Government, but such as the Court shall approve of ; wherein they shall have special care, that they allow such only as are Orthodox in the Fundamentals of Religion, and in such places as it may not be destructive, nor too much prejudicial to any already approved.

#### EDUCATION OF CHILDREN.

Forasmuch as the good Education of Children and Youth, is of singular use and benefit to any Common-wealth ; and whereas many Parents and Masters either through an over respect to their own occasions and business, or not duely considering the good of their Children and Servants, have too much neglected their duty in their Education, whilst they are young and capable of Learning ;

Deputies and selectmen of each town to encourage education, &c.

It is Ordered, That the Deputies and Select men of every Town, shall have a vigilant eye from to time over their Brethren and Neighbours, to see that all Parents and Masters do duely Endeavour, by themselves or others, to teach their children and servants as they grow capable, so much learning as through the blessing of God they may attain, at least to be able duely to read the Scriptures, and other good profitable Books printed in the English Tongue (being their Native Language) and the knowledge of the Capital Laws, and in some competent measure to understand the main Grounds and Principles of Christian Religion, necessary to Salvation, by causing them to learn some short Orthodox Catechisme without Book, or otherwise instructing them as they may be able to give a due answer to such plain

and ordinary Questions, as may by them or others be propounded to them concerning the same: And further that all Parents and Masters do breed and bring up their children and apprentices in some honest lawful calling, labour or employment, that may be profitable for themselves, or the Country; and if after warning and admonition given by any of the Deputies, or Select-men, unto such Parents or Masters, they shall still remain negligent in their duty, in any the particulars aforementioned, whereby Children or Servants may be in danger to grow Barberous, Rude or Stubborn, and so prove Pests instead of Blessings to the Country; That then a fine of ten shillings shall be levied on the Goods of such negligent Parent or Master, to the Towns use, except extreme poverty call for mitigation of the said fine.

And if in three months after that, there be no due care taken and continued, for the Education of such children and apprentices as aforesaid, then a fine of twenty shillings to be levied on such Delinquents Goods, to the Towns use, except as aforesaid.

Penalty for neglecting the education of children.

And Lastly, if in three months after that, there be no due Reformation of the said neglect, then the said Select-men with the help of two Magistrates, shall take such children and servants from them, and place them with some Masters for years, (boyes till they come to twenty-one, and girls eighteen years of age) which will more strictly educate and govern them according to the rules of this Order.

Selectmen or any two magistrates may bind out children whose education is neglected.

2. For maintaining a Free School, vide The profits of Fishing at Cape Cod. Chap. 11. Numb. 6.

#### MISPENDING OF TIME.

It is Enacted by this Court, &c. That no Person, House-holder or other, shall spend his time idly and unprofitably, under pain of such punishment as the Court or Assistants shall think meet to inflict: And the Select Men of the several Towns are hereby required to give in a list of the names of such as mispend their time, whether House-holders or others; and of all single persons that live from under Family Government, or will not be Governed by their Parents or Masters where they live, that so the Court may proceed with them as the case may require.

The selectmen to inform the court of such as live idly.

#### MARRIAGES, BIRTHS AND BURIALS, TO BE REGISTRED.

It is also Enacted, &c. That the Town Clerk in every Town in this Government, shall keep a Register of the day and year of the Marriage, Birth and Burial of every man, woman and childe in that Township, and shall have for the Registering three pence a piece; And if any Father or Mother or person next in Relation, do neglect

Register to be kept of all marriages, births and burials.

to give an account to the Town Clerk, of the Name, and Birth day of their childe within one month after it is born, he or they shall be amerced for such neglect three shillings, one half to the Colony, and the other half to the Town Clerk that complaineth of it.

To be exhibited annually at March Court.

And whosoever shall neglect to give in their names, and the day of their Marriage to the said Town Clerk, within one month after they were Married, shall forfeit for their neglect three shillings as abovesaid; in like manner shall any Head of a Family, that neglects to give an account of any that are Buried out of their Family within a month. And the Town Clerk or Register keeper of every Town, shall exhibit a true and perfect copy unto March Court annually, of all the Marriages, Births and Burials of the year past; And lastly, That the Town Clerk, shall publish all Contracts of Marriages in the Town, and shall have twelve pence as his Fee, for every such Orderly Publication.

Town clerk to publish marriages.

How to be published.

2. And for prevention of unlawful Marriages; It is Ordered, That no person shall be joyned in Marriage, before the intention of the parties proceeding therein hath been published three times at some publick meeting, in the Towns where the parties or either of them do ordinarily reside, or by setting up in writeing, upon some Post of their Meeting house door in publick view, there to stand as it may be easily read, by the space of fourteen days.

None under covert of parents, &c., allowed to marry without their consent.

3. That none shall be allowed to Marry that are under the Covert of Parents, Guardians, Masters, or Overseers, without their consent and approbation.

None shall inveigle or steal the affections of any maid under covert without consent of, &c.

And whosoever shall inveigle or endeavour to steal the Affections of any mans Daughter, Pupil or Maid-servant without his consent or leave, he shall be punished by fine, so it extend not five pounds, or by corporal punishment at discretion of the Bench and according to the nature of the offence. But if a meet Marriage be orderly proposed, and any master or guardian, out of any sinister end, or covetous desire, will not upon reasonable terms suffer it to be; it shall be in the power of the two next Magistrates, upon complaint, to hear and determine the case as they judge equal between both parties.

4. And as the Ordinance of Marriage is honourable amongst all, so should it be accordingly solemnized;

Who may solemnize marriages.

It is therefore Ordered, &c. That no person in this Jurisdiction, shall joyne any persons together in Marriage but the Magistrate, or such other as the Court shall authorize in such place where no Magistrate is near, nor shall any joyn themselves in Marriage, but before some Magistrate, or person authorized as aforesaid; nor shall any

Magistrate, or other person to be authorized, joyn or suffer any to joyne together in Marriage in their presence, before such persons Publication according to Law.

5. And that no man shall strike his Wife or any Woman her Husband, on penalty of such fine, not exceeding ten pounds for one offence, or such suitable corporal punishment as the Court shall determine.

No man to strike his wife nor woman her husband.

## CHAPTER IX.

### TOWN AFFAIRES.

It is Enacted, &c. That every Town-ship in this Government, shall have liberty and power to meet together, and make such Town Orders in prudential matters as they shall finde needful; and also to make such Rates and Assessments as they have occasion for; Provided, that no Town Order do infringe or be repugnant unto any Order of this Court.

Every town may make such orders as are necessary to manage their affairs.

2. That none be allowed to be House keepers, or build any cottage or dwelling house, until they have allowance of the Governour, some Magistrate, or the Select men of that Town; and that a special care be taken, that no single person that is of evil conversation, or hath not Arms to serve the Country, be suffered to keep such house or live alone; And if upon due warning, such person do not put himself into some well Governed Family, it shall be in the power of the next Magistrate, or the Select men of the Town where he lives, to put him to service.

Who shall be allowed to be house-keepers.

3. That if any person, whether Master of any Vessel or other, do bring in any into any Town or Plantation in this Government, without the approbation of the said Town or Townsmen, or do entertain or receive any that come in, and are not so allowed, but are at the time of their coming, or within a month after excepted against by the Constable or some one of the Select men of the Town, he or they that so bring in, or entertain any such persons likely to be burthensome or chargeable, shall either carry them away again, so as to free the Town of them, or give security to free the said Town from charge concerning him, whilst he is there resident.

Whoever brings any person into town likely to become chargeable, shall give security therefor.

But if any man bring in an apprentice or covenant servant for years, that is at present sound and well, Bonds shall not be required of such Master, but if his servant fall sick or lame, he shall be maintained by his Masters particular charge, during the date of his Indentures or Covenant, but shall afterwards be relieved by the Town.

Poor children to be provided for.

4. That every Town in this Government shall maintain their own poor; And if any that have relief from any Town, do not employ their children as they ought towards the getting of a livelihood; or if there be any other family that cannot or doth not provide competently for their children, whereby they are exposed to want and extremity, It shall be in the power of the Select men of each Town, to place out such children into good families where they may be better brought up and provided for.

Towns liable to support such persons as have lived within their limits three months unless they have been warned out.

5. That if any person come to live in any Town in this Government, and be there received and entertained three months, if by sickness, lameness or the like, he comes to want relief, he shall be provided for by that Town wherein he was so long entertained, and shall be reputed their proper charge, unless such person have within the said three months been warned by the Constable, or some one or more of the Select men of that Town, not there to abide without leave first obtained of the Town, and certify the same to the next Court of Assistants, who shall otherwise order the person or charge arising about him, according to justice.

But such as are sent to nurse, school, &c., shall be relieved by the town whence they came.

6. But if any children or elder persons shall be sent, or come from one Town to another, to be nursed, schooled, or otherwise Educated, or to a Physitian or Chyrurgeon to be cured of any disease or wound, &c. if such come to stand in need of relief, they shall be relieved and maintained by the Township whence they came, and not by that Township where they are so nursed, educated or at cure; And in case they come or be sent from any place out of this Colony; then if the Nurse, Educator, Physitian or Chyrurgeon do not take good security to discharge the Town wherein he lives from all cost and charge, which shall or may befall concerning them, he that so received them shall be the Towns security in their behalf.

None shall come to dwell in any town without leave.

7. That no person shall come into any Town or Peculiar in this Government to live and inhabitant, without the leave and approbation of the Governour and two of the Assistants at the least.

Penalty for refusing to take the oath of fidelity.

8. That whosoever being resident within this Government, shall refuse to take the Oath of Fidelity, being orderly called thereunto, either by the Constable or any Magistrate; or the Select men where he dwells, he shall be amerced to the Colonies use, in the sum of five pounds, which if he cannot or will not pay he shall be punished by Imprisonment or otherwise as the Court shall order.

A good and sufficient pound shall be built in every town.

9. It is Ordered, &c. That in every Township of this Government there shall be a good sufficient Pound from time to time, for Impounding of such Horses, Cattle or Swine, as trespass any mans Corn field, or other inclosure. And whosoever impounds any such,



shall give present notice to the owner if he be known, or otherwise they shall be cryed on the two next Lecture dayes or publick meetings, and if any of them escape out of the Pound, the owner if known shall pay all damages according to Law. And every person or persons having notice given, or otherwise left in writeing at their house, or place of their usual abode, of any of their Cattle impounded or otherwise restrained, shall forthwith give satisfaction to the party so wronged, or otherwise Replevie their Cattle, and prosecute the same according to Law, upon peril of suffering all the loss and damage that shall come to their Cattle, by standing in the Pound or other lawful place of restraint ; But if the owners be not known or found, after such Beast be cryed as aforesaid, or inquiry made through the generality of the Town, with notice given to some of the neighbours of the next Towns, for their occasional inquiry likewise, that the owner may take notice, make his claim, and pay the damage and charge, and if yet no owner be found, then after due apprisement by indifferent men chosen by a Magistrate, or any two of the Selectmen of the place, and the same Recorded in the Town book, sale to be so far made that the charges be fully paid, and the remainder kept till the owner be known, and the rest of the Cattle first mark't to distinguish them, to be again turned into Woods.

Cattle, how impounded, &c.

10. That if any shall Heard Cattle, on Lands that are another mans in propriety, though not inclosed, and will not forbear so to do, being warned by the owner or present possessor of such Lands, it shall be accounted a Trespass Action.

Whoever herds cattle on another man's land liable to damages.

11. Whereas complaint is made, that much Timber is fall'd and let lye and rot on the ground, and not timely improved by such as falled it, to the great waste of Timber, and spoile of the Commons ;

Timber cut and not used, to be forfeited.

It is therefore Enacted by this Court, &c. That whosoever shall fall any Timber on the Common, and doth not either Square or Rive it within six months after it is falled, it shall be lawful for any other of that Town to improve it as they see meet.

12. It is Ordered, &c. That every Town in this Government, shall have and keep Baited and well tended two Woolf Traps in fit seasons, on penalty of five pounds.

Every town to keep two wolf traps.

That if any Indian do kill a Woolf and bring his Head to the Constable in whose Township he killed it, he shall have a Coat of Duffils, or fifteen shillings in other pay, by the Town in whose bounds it was killed ; and if killed in this Jurisdiction, and not within any Town bounds, then to be paid by the Treasurer.

Bounty to Indians for killing wolves.

And if any English kill any Wolves in any Township, and bring their Heads to the Constable, they shall be paid thirty shillings for every such Woolf by the Town wherein they were killed.

Bounty to the English, how paid.

Every town to  
have a standard  
for corn.

13. It is Ordered, &c. That every Town within this Government, shall have a Standard for Measures of Corn, made and sealed by the General Standard at Plimouth, and that round measures only shall be allowed.

#### MILLER AND MILLS.

Millers free from  
training and ordi-  
nary watching.

It is Ordered, &c. That all Millers (that is such as are then engaged to the Tendance of a Grist-mill) shall be free from Trainings and ordinary Watchings.

Toll, &c.

That no Miller shall take above the sixteenth part of the Corn he grindes for Toll, and that every Miller shall have alwayes ready in his Mill Weights and Shoals, provided at his own charge, to weigh Corn to and from the Mill if men desire it.

Toll dishes.

That every Miller in this Governmet, shall keep in his Mill, two Toll Dishes, so made and sealed that one will hold a just Pottle upheaped, and the other a Quart upheaped; and shall pay ten shillings a month, for what time they use unsealed Toll Dishes, if complained of.

#### CASK AND COOPERS.

Casks, of what  
guage, &c.

That all Cask made or to be made in this Government, for Beef, Pork, Fish, Oyle or any sort of Liquor, be made according to the Assize and Gage of London; And that they be made of sound and well seasoned Timber; and that every Cooper do Brand-mark his Cask with a distinguishing Brand-mark, on penalty of the forfeiture of all Cask that are not so made and marked, the one half to the Informer, and the other half to the Colony.

#### LEATHER AND SHOOMAKERS.

Upon consideration of the damage or injury which many sustain by the ill Tanning of Leather, and by the Shoo-makers ill making it up into shoos and Boots;

Sealers of leather  
to be appointed.

It is by this Court Ordered, That in every Plantation within this Jurisdiction, where either Tanner or Shoo-maker, is imployed in their Trades, one or two Sealers shall be chosen and appointed as the occasions require, who shall be under Oath faithfully (according to their best ability) to discharge their trust, and shall seal no Leather but such as they judge sufficiently Tanned, and fit to be wrought out, and sold in Shoos and Boots. And that every such Plantation shall have two Seals, to distinguish between good Leather well and sufficiently Tanned, and such as though Tanned enough, is in some other respect defective, either by over-lining, or for want of being well

wrought upon the Beam, or by frost, or hath received some damage in drying, so that though it may serve for inward or middle soles, yet not for other uses without damage to the buyer ; all which Leather so defective, shall be sealed with a different Seal, that it may be known to be faulty.

But that which is not sufficiently Tanned, shall neither be sealed nor used in Boots and shoos, till it be duely Tanned ; And that no Tanner within this Jurisdiction, shall upon any pretence, sell, deliver, cause or suffer to be delivered, or pass out of his hands or custody, any Hide or Hides till being fully dry, they be first sealed by the Officer or Officers thereunto appointed, under the penalty of forfeiting the said Leather or the value of it to the Plantation where the offence is committed.

Penalty for selling leather that is not sealed.

And it is further Ordered, That if any Shoemaker shall use, or put any unsealed Leather into Boots or Shoos, or put any of the forementioned faulty Leather, (though sealed as such) in any outward Soals, or upper Leather, or in any other place which may be hurtful to the buyer or wearer, or shall use any other way of deceit, in making up his ware, he shall make due and full recompence to the person or persons wronged, and complaining, and shall suffer such further punishment as his offence, considered with the circumstances shall require.

Penalty for using leather that is not sealed.

And whosoever shall bring Hides from any other parts, and shall sell, or use any of them for Boots or Shoos within this Jurisdiction, before they be sealed by some Officer here, according to the import of this Order, or shall use them in Boots or Shoos contrary to the intent thereof ; the Hides so sold or used, or the value of them shall be forfeited to the Plantation where the offence is committed, or such recompence or fine shall be made or paid (if it be only of ignorance) as the case may require ; provided that if both buyer and seller be faulty, they shall pay the forfeit betwixt them. The choosing and appointing of which aforesaid Sealer or Sealers, the Print or Mark, which each Plantation shall set upon their Seals, for good or faulty Leather, with the rate to be allowed for sealing, being left to the several Plantations.

Penalty for bringing hides from abroad, and selling them before they are sealed.

#### HIGH-WAYES.

It is ordered, &c. That if any High-way be wanting in any Township of this Government, upon complaint, that then the Governour or any of the Assistants, Impannel a Jury, and upon Oath charge them to lay out such High-wayes, both for Horse and Foot, as in the best of their Judgements they shall find most beneficial for the Commonwealth, and as little prejudicial to particulars as may be: And that

Highways to be laid out by a jury.

all old Foot paths shall be still allowed, except other provision be orderly made ; And that where there are allowed Foot paths over any mans ground, which is fenced up, the Owners of such Fences shall make sufficient stiles or Gates.

Private ways,  
how laid out.

And where there is necessary use of a particular way to any mans particular ground, for Carting or otherwise, through his neighbours Land, where no other way is conveniently to be had, a Jury Inpannelled as aforesaid, shall lay it out, as may be convenient for the complainer, and least prejudicial to the Owner of the Land through which it leads ; Provided still, that the Town or party concerned, satisfie such particular men damnified thereby, as two or three men indifferently chosen by them shall determine, if it be not otherwise provided for ;

And that care be used to shut up such Gates or Bars allowed to such wayes that damage may be prevented.

Highways to be  
forty feet wide.

And that Common High-ways be forty foot broad, especially in Wet, Low, Dirty Grounds.

Surveyors of  
highways to give  
three days notice.

2. It is also Ordered, &c. That the Surveyors of High-ways shall give three days warning to particular persons, for themselves or their Teams when they are to amend the High-ways, as often as need shall require ; And if any be warned as aforesaid, and shall neglect his duty therein, he shall pay two shillings six pence a day for himself, and five shillings a day for his Team for every such neglect to the Towns use, to be leavied by distress on his Goods by Warrant to the Constable, from any of the Magistrates, or Select-men where there is no Magistrate near ; to whom the names of such Delinquents shall be returned by any of the Surveyors.

Penalty for not  
attending to re-  
pair highways.

3. And that the Surveyor if he see cause, shall hire either Man or Team, as occasion requires for the said work, and to be paid out of the fines aforesaid ; And that the Surveyors warn not any Man or Team twice to work on the High-ways, before they have first gone over all the Persons and Teams in the said Town-ship as aforesaid.

And that every Surveyor that shall neglect his duty in repairing the High-ways, shall forfeit five pounds to the Colonies use.

At what time  
those warned to  
work on high-  
ways shall ap-  
pear.

4. And that those warned to work on the High-ways as aforesaid, shall appear at the place appointed or places by the Surveyors, with their Carts and themselves, fitted with Tools and Implements suitable to the work, by the hour of nine in the morning, and work till four at evening, allowing the space of one hour at noon for Refreshment.

Surveyors to ren-  
der an account.

5. And that the Surveyors do at the end of their year, give an account of their actings, and what monies of the Towns may be in their hands, unto the Selectmen of their respective Towns, or such other as the Towns shall appoint for that affair.

## CHAPTER X.

## LANDS, INHERITANCE, AND WILLS.

It is Enacted by the Court, &c. That whatsoever Lands have or Lands, how held. shall be granted by the Court to the respective Town-ships, or to any particular persons, either by the Court or particular Townships, shall be held to them, their Heirs, Successors and Assignes for ever, according to the most free tenor of East Greenwich, in the County of Kent, in the Realm of England, granted unto us in our Charter or Patent, and our inheritances to descend according to the tenor thereof.

2. That all Sales, Exchanges, Gifts, Mortgages or other Conveyances of Houses and Lands, shall be acknowledged before some Conveyances to be acknowledged before a magistrate. Magistrate, before they be committed to publick Record ; Provided that all former Conveyances, that were before this Order, shall be accounted good, notwithstanding they be not, nor cannot be so acknowledged, being otherwise duly proved.

3. That where Lands and Tenements fall in joynt partnership, Lands held in partnership. either by a Gift, Grant or Purchase, or otherwise, if a partner dye before it be divided, the Heirs or Assignes of the Deceased, shall not be deprived of their right, but shall have his or their proportion with the survivors, as if division thereof had been formerly made ; any Provision, Custome or Usage to the contrary notwithstanding.

It is also hereby Provided, That any Partner may sue out a division, as he or they may see reason.

4. It is Ordered, That where no Heir, or Owner of Houses, Escheats. Lands, Tenements, Goods or Chattels can be found, upon the decease of the late Testator or Proprietor, a true Inventory of every such Estate, in all the parts and parcels thereof, shall with the first conveniency, be duely taken, and a just apprizement made upon Oath, by fit men there unto appointed by a Magistrate, or in his absence by the select-men of such Plantation where the said Estate is, and the whole Estate to be seized to the public Treasury, till the true Heirs or Owners shall make due claim thereunto, unto whom the same shall be restored upon just and reasonable terms.

5. An Act made July 10th, 1669, for quieting mens Estates and avoiding suits in Law ;

It is Enacted by the Court and the Authority thereof ; That no In what cases entry upon lands is barred. person or persons having had for the space or term of ten years full past and expired, any Right or Title of entry into or cause of Action for any Lands, Tenements or Hereditaments whatsoever, now detained from him or them, shall thereunto Enter or Commence Suit

for, but within five years next after the end of this present session of Court, and at no time after.

Any person having had a right of entry for 18 years must claim the same within 2 years.

And that no person or persons having had for the space or tearme of eighteen years fully past and expired, any Right or Title of Entry into, or Cause of Action, for any Lands, Tenements or Hereditaments whatsoever, now detained from him or them, shall thereinto Enter or Commence for, but within two years next after the end of this present Session of Court, and at no time after.

None hereafter to enter upon land unless within 15 years from the time their right accrued, except—

And that no person or persons, shall at any time hereafter, make any Entry into, or Commence Suit for any Lands, Tenements, or Hereditaments, but within fifteen years next after his or their Right, Title or cause of Action, or Suit, which shall hereafter first descend, fall or accrue to the same, otherwise such Title shall be forever after barred, and the party or parties claiming, and his and their Heirs utterly excluded from Entry into the same; Provided nevertheless, that if any person or persons which hath or shall have such Right, Title or Cause of Action be or shall be at the time of the said Right, Title or Cause of action first descended, accrued or fallen, within the age of twenty one years, Feme Covert, non compos mentis, imprisoned or beyond the Seas, then such person or persons, his or their Heirs shall or may, notwithstanding the said fifteen years expired, bring his Action or make his Entry at any time within five years next after his or their full age, discoverture, coming of sound minde, enlargement out of Prison, or coming into this Country, take benefit of, and sue forth the same, and at no time after the said five years.

Those who have had a right of entry for 20 years and not claimed it, to be forever barred.

It is further Enacted by the Court, &c. That such person or persons as have had Right or Title of entry into or cause of Action, for any Lands, Tenements or Hereditaments, hitherto detained from him or them, for the space or tearm of twenty years fully past and compleat, and neglected hitherto, to make his or their Entry, or to Commence suit for the same, shall be for ever barred, excluded and utterly disabled from such Entry or Suit to be made, excepting as in the abovesaid proviso, according as is provided by the Statute of England, made Anno 21. Jacobi Regis Cap. 16. Entitled An Act for Limitation of Actions and avoiding Suits in Law.

It having been the usual manner and custome of this Court, as much as may be to have recourse to the commendable Laws of England in such case wherein there is no other Law by this Court provided more suitable to our condition.

#### WILLS.

Whereas it hath been formerly Ordered by this Court, That all

persons having Estate, Real or Personal, being of a competent Age, Understanding and Memory, may by Will dispose thereof as he sees cause :

It is also Enacted ; That all such Disposals by Will and Testament, shall be Signed and Sealed by the Testator, before one or two substantial Witnesses, that may be able to Testifie that it was his Will, and that he was when he made it in such capacity as is above expressed.

Wills must be signed, sealed and witnessed.

2. And that such Wills and Testaments be Exhibited and Proved by such as are to Administer, at the next Court after the death of the Testator if it may be, and that a true Inventory of the Estate duly valued, be then also presented and left in Record with the Will, before Letters of Administration be granted.

To be proved at the next court after the decease of the testator.

And if any man dyes without Will, his Widow, or such as would Administer, shall present an Inventory of the Estate as above, at the next Court ; And if it be a single person, and one that hath no Relations in the Country, or near the place, that then the Governour or next Magistrate, appoint some meet person there to make an Inventory, and present it to the next Court.

Who to administer on the estate of an intestate.

3. And inasmuch as some persons may be so suddenly surprized, that they may not have an opportunity to make a written Will ;

It is Ordered by this Court, &c. That in such case, if any person do make a Will Nuncupative, or a Verbal disposure of his Lands and Estate before two good substantial Witnesses, that are neither Heirs nor Legatees, and they shall within three dayes commit it to Writing, and at the next Court make Oath unto it, it shall be Recorded and accepted as a Will.

Nuncupative wills.

4. And if any Married man dieth Intestate, his Widow shall have one third part of the Rents and Profits of his Lands during her life, and a third of Goods and Chattels, Debts being first paid, at her dispose.

5. And it is further Enacted, That if any man do make an irrational and unrighteous Will, whereby he deprives his Wife of her reasonable allowance for her subsistency, upon the Womans complaint it shall be in the power of the Court to relieve her out of the estate, notwithstanding by Will it were otherwise disposed ; especially in such case where the Wife brought with her good part of the Estate in Marriage, or hath by her diligence and industry done her part in the getting the Estate, and was otherwise well deserving.

The court may relieve the widow when deprived of estate by the will of her husband.

6. And it is further Enacted, That when any man dyeth Intestate, and leaves divers Children ; the Eldest son shall have a double Portion with what he hath already received from him of his Estate, both

What portion of the estate of an intestate is allowed to the widow.

real and personal, but shall not be Instated in all the Lands, unless the Court see cause, and the rest of the Children shall inherit as Copartners, unless the Court upon good ground shall otherwise dispose.

When lands shall be appropriated for the payment of debts.

7. And if any person dye more indebted then their Estate of Goods and Chattels can satisfie ; if he have bought Lands in his life time, to the impairing of his Estate, otherwise such Lands shall be sold to pay the Debts but not other, further then the Court may see cause.

## CHAPTER XI.

### FISHING AND FISH.

Fishing and fowling to be free, provided, &c.

That Fishing and Fowling shall be free to all Inhabitants of this Government, Provided that all Orders from time to time made by this General Court, for the due Regulating of Fishing and Fowling, be observed in place or places, wherein special interest and propriety is justly claimed by the Court or any particular person.

Whales cast on shore or found adrift, to whom to belong.

2. Whereas by providence, Whales and other great Fish are found a drift upon the stream, and sometimes cast ashore in this Jurisdiction ;

It is Ordered, That all such Whales as are cast up within the Bounds of any particular Township, or floating upon the stream, within a Mile of the Shoar, against the said Bounds of any Township, shall be accounted the respective Towns falling within their Bounds as aforesaid, allowing one full Barrel of Merchantable Oyl to the Country for every such Whale, and but half a Barrel if it be wasted or torn away after parted, to be delivered to the Treasurers order at Boston.

And whosoever taketh any Whale on drift at Sea, without those Bounds and limits abovesaid, and bring them on Shoar, he shall have the one half, and the Country the other half of the Oyl, and the Country to allow case for their part of the Oyl.

And whosoever shall finde any Whale ashore on the Cape or elsewhere, that is out of any Towns Bounds, and is on the Countries Bounds or Limits, shall allow the Country two Hogsheads of Oyl clear and paid to the Country.

3. Whereas there hath been great inconvenience as is conceived by taking of Mackrel at unseasonable times, whereby their increase is greatly diminished ;



This Court doth therefore Order, That henceforth no Mackrel shall be caught, except for spending whilst fresh, before the first of July Annually on penalty of loss of the same, the one half to the Informer, and the other half to the use of the Colony, and this Order to take place from the twentieth of this instant June.

No mackerel shall be caught before the first of July, except—

## FISHING AT THE CAPE COD.

4. For the better improving of Fishing for Mackrel at the Cape with Saynes or Nets ; that the Fish be not wholly destroyed or driven off the Shoar, with constant Beating and Shooting at them with their Nets and Saynes ;

It is Ordered by this Court &c. That none shall set, Shoot or hall Sayne on Shore with Mackrel at the Cape, before the fifteenth day of October yearly, nor after the twentieth of November, on penalty of forfeiting for any Mackrel so taken, without the Compass of this time, eight shillings a Barrel to the Colonies use.

Penalty for taking mackerel in seins except between the 15th of Oct. and 20th of Nov.

And that so good a commodity be not spoiled, nor impaired by gripple Persons, that only minde their present benefit ; but that it may be kept sweet and well preserved for a Market, and so kept a commodity ;

It is further Ordered, That all such Mackrel taken by Saynes or Nets at the Cape, shall be there salted up in good sufficient Cask, and not in Lumber, neither on Shoar nor on Board of any Boat, Barque or other Vessel, on penalty of forfeiting to the Colonies use, the one half of what is so salted in Lumber and not in tight Casks.

Mackerel caught in seins, how disposed of.

And forasmuch as the Lands where such benefit is made by Fishing with Saynes or Nets, hath been purchased by the Colony and are truly theirs ;

It is also Ordered, That no Stranger, or such as are no Inhabitants of this Government, shall make use of our Lands or Shoar, for Sayning or halling of Fish, but such as this Court give License to, on penalty of forfeiting all the Fish of any kinde so taken by any without leave.

No inhabitant or stranger allowed to fish at the Cape without leave of court.

And all Strangers that shall be allowed there to Fish as above-said, whether taken in as partners with any of ours or otherwise, shall pay unto our Water Bailly, or such as the Court shall appoint to receive it, for the use of this Colony, two shillings for every Barrel, or quantity of a Barrel of Mackrel there caught in such away ; and such of our own Inhabitants as do so fish there, shall pay one shilling a Barrel, and all such payments, whether by our own or Strangers, shall be made in money to the said Bailly, or who is appointed.

And that peace and good order may be kept by all that fish there, and that the Colony may not be defrauded of their due by any ;

Persons fishing at the Cape to give their names to the water bailiff and receive a ticket from him.

It is further Ordered, That the Master of any Vessel, that shall come there to Fish, or some known person of their company, shall presently upon their arrival there, before they take any Fish, give under his hand to the Bailly or his Deputy, for their peaceable carriage there, and their due observance of the Orders of Court concerning their Fishing, who shall there upon give them a Ticket under his hand for their improving the season as abovesaid : And if any man do refuse so to do, he or they shall be discharged from making use of our Land on Shoar there, at their peril ; And if any prove troublesome, or disturb their peace, sell Liquor to the Indians, prophane the Sabbath, or be otherwise disorderly, the Bailly or his Deputy is hereby impowered to carry such before the next Magistrate, who may issue the case, send the Offenders to prison, or take Bond for their appearance at Court, as he shall see cause, and the whole charge thereof be born by him or them that do so offend.

And that the Water Bailly be under Oath, as other Publick Officers, as for the faithful discharge of his trust, so for his due and seasonable ordering, and giving an account to the Treasurer for what is the Colonies upon Fishing account, within one month after the said voyage is ended, or sooner if it may be.

Six pence to be paid for every barrel of herring.

And for every barrel of Herring at any time caught by Nets, on the said Cape Cod shoar, six pence per barrel be paid by any Inhabitant that shall so take them, and twelve pence per barrel by strangers.

Six pence per quintal to be paid for bass.

And whosoever shall take any Basse on the aforesaid shore with Nets, shall pay to the Colonies use six pence per Quintal, according to a former Order, and to be paid also in money.

Swine, which trespass upon the fishermen may be seized.

5. And it is Ordered, &c. That if any Swine, belonging to either English or Indians, do there annoy or trespass such as there Fish as abovesaid, in the Mackrel seasons ; it shall be lawful for any to make seizure of such Swine, paying one half of the value of such Swine to the said Bailly or his Deputy for the Colonies use.

The profits of the fishing to be appropriated to the support of a free school.

6. It is also Ordered, That the profit arising to the Colony by the aforesaid Fishing at the Cape, shall be employed and improved for the erecting and maintaining of a Free School in this Government: The Ordering and Management of which affaire is committed to the Governour and Assistants, or any four of them as they shall judge meet ; Provided there be some entrance made in order thereunto before June Court next ; otherwise the said profits to be Ordered as that Court shall see cause.

## CHAPTER XII.

## MILITARY AFFAIRS.

In regard of the many appearances of danger towards the Country by enemies from abroad, or that may arise within us, Gods providence having disposed us in this Corner of this Western World, so far from our Native Prince and People, that we cannot expect that constant speedy protection and relief that they might otherwise afford us; That we may be therefore in the better capacity according to our power, to defend the interest of God, our Princes interest, and our own.

It is determined by this Court and the authority thereof; That there shall be at all times a standing Council of War in this Colony, consisting of the Governour and Assistants, as annually chosen, and the like number of other trusty and able men, chosen also by the General Court, and from year to year filled up, if by death removed, or otherwise any of them may be wanting, or incapacitated to perform their trust.

A council of war established.

And the Governour or President is hereby impowered by his Summons, to convene the said Council; who being assembled, or the major part of them, they or any seaven of them concurring, shall have full power to act as a Council of War; In establishing and commissionating of Military Officers, in Pressing of Men, Horses, Ships, Barques or other Vessels, Arms, Amunition, Provision, Carrages, or whatsoever else they may judge needfull, for the present expedition; And also to raise Moneys by Rate, upon the several Townes, or Plantations of this Government, according to their several proportions, to defray the charge thereof, and their actings in such a concern to be valid as if done by the General Court of this Colony, Provided they cross not the articles of confederation between the Confederate Colonies.

Who may convene the council of war, and its authority.

2. And it is Enacted by this Court, &c. That there shall be always kept and maintained at Plimouth, or where else the Court or Council of War shall order it, a General or Public Stock of Arms and Amunition, to be improved as the Council of War shall order for the common safety; besides which every Town in this Government shall at all times have in readiness in their Town, such a Stock of Armes and Amunition as the Court have or shall particularly proportion them, on such penalty as in our Court Records is expressed.

A stock of arms and ammunition to be kept by the colony.

And every man from the age of sixteen years and upwards, shall

Every male of 16 years of age and upwards to be provided with arms.

also be provided with such Arms and Amunition as the Court have determined, upon penalty expressed in our said Book of Records.

3. And for the better Disciplining and Training up of our men in the use of Arms ;

A general officer under the title of major shall be appointed.

It is Enacted by this Court, &c. That there be at all times a General Officer, under the Title of a Major, or other, who shall have command of all the Horse and Foot of this Government, according to his Commission and Instruction in our Book of Records.

Every town to choose commanders of their own men.

4. And that in every Town within this Government, there be particular Commanders so chosen and commissioned, as is by Order of this Court provided, to exercise their respective Companies, six dayes in the year at least, besides General Musters.

Troop of horse.

5. Concerning the raising of a Troop of Horse, The number to be raised in the severall Towns, their Priviledge, Duty, and Orders, The fines of Commanders, and private Souldiers, Horse, or Foot, and alsoe what are to be accounted serviceable Arms ; Concerning Military Watches, Alarums, &c. See the Old Book of Orders.

Maimed soldiers to be supported by the colony.

6. And it is further Enacted by this Court, &c. That if any man be sent forth as a Souldier, and be so maimed in the service, that he is disabled from following his occasions, he shall be maintained by the Colony whilst he lives, according to his quality, and the capacity in which he served ; and when dead, shall have the burial of a Souldier.

Smiths to mend arms.

7. Be it also Enacted, That no Smith in this Government, who is able to do it, shall refuse or neglect to amend any Arms brought unto him for such purpose, he being tendered such currant pay as for other work ; as he will answer it to the Court.

## CHAPTER XIII.

### ORDINARIES.

Forasmuch as there is necessary use of Houses of Common Entertainment, and of such as Retail Wine, Beer, and Victuals ; yet because there is so much abuse of that lawful liberty, both by persons that entertain, and by such as are entertained ;

None to keep an ordinary without license.

It is Ordered by this Court, &c. That none shall keep a Victualing house or Ordinary, or shall Retail Wine, Beer, Ale, Cyder, or Strong waters, &c. but such as are licensed thereunto by the Court of Magistrates, on penalty of five pounds forfeiture to the Colonies use, except it be for relief of some sick person, and the Ordinary keeper hath none.

2. And that whosoever is Licensed to keep such publick house of Entertainment, shall be well provided of Bedding to entertain Strangers and Travellers, and shall also have convenient Pasturing for Horses, and Hay and Provender for their entertainment in the Winter, and shall not be without good Beer; and if any Ordinary keeper do frequently fail in any or all of these, upon complaint, he shall lose his License.

Ordinaries, how to be provided.

3. It is further Enacted; That no In-keeper or Ordinary in this Government, shall sell Beer for more than two pence the Ale quart, upon penalty of three shillings and four pence for every such offence; Nor shall any Vintner or Tavern gain more than eight pence upon the quart, in any Wine or Strong-Waters that they retail, more than it cost them by the Butte or Cask as they bought, on penalty of twenty shillings forfeiture for such offence duely proved.

Price of beer, wine and strong waters.

4. Neither shall any Vintner or Ordinary keeper suffer any disorder, by excessive drinking, in or at their House;

It is therefore Ordered, That he that suffers any person to drink Drunk or to excess in his House, shall be fined for every such offence duely proved five shillings; And he that suffers any Town dweller, unless it be upon any extraordinary occasion, or publick employment, to stay drinking in his House above the space of one hour, the Ordinary keeper shall be fined two shillings sixpence, and the Inhabitant so offending one shilling.

Penalty for suffering persons to become drunk in ordinaries.

5. And it is further Enacted, That no single person, Labourer or other, shall be dieted in any Inne or Ordinary in the Town to which he belongeth.

No single persons, &c. to be dieted in an ordinary in the town where they reside.

And that no Ordinary keeper suffer any Wine or Liquor to be drawn in his House on the Lords day to any, except in case of necessity, for the moderate relief of those that are sick or faint for their necessary refreshment, and not to young persons, or such as need it not, in pain of ten shillings to the Colony.

Penalty for selling wine, &c. on the Lord's day.

6. And for the preventing of the great abuse, by the excessive drinking of Liquors and other Drink in Ordinaries, &c.

This Court Ordereth, That every Ordinary keeper in this Government, shall be hereby impowred and required that in case any person or persons do not attend Order, but carry themselves uncivilly, by being importunately desirous of Drink when denied; and do not leave the House when required; such Ordinary keeper shall return their names to the next Court, that so they may be proceeded withal according to the nature of the offence: and in case any Ordinary keeper shall neglect so to do, he shall be fined five shillings for every default.

Ordinary keepers to return the names of such persons as behave uncivilly, to the court.

Who to inspect  
ordinaries.

7. It is further Ordered by this Court ; That two or three men, besides the Constable and Grand-jury-men, be appointed and impow-  
red, in each Town of this Jurisdiction, to have the inspection of the  
Ordinaries, or in any other places suspected, to take notice of such  
abuses as may arise in reference to the premises or otherwise, and  
make return thereof to the Court.

Servants and  
children not al-  
lowed to drink in  
ordinaries with-  
out consent of  
master or parent.

8. That no Ordinary keeper suffer any Servants or Children, un-  
der the Government of their Masters or Parents to buy or sit drink-  
ing any Strong-liquors or Wine in their Houses, or where they have  
to do without liberty from their Parents or Masters, except in case  
of necessity for their relief, in pain of five shillings forfeit to the Col-  
onies use.

## CHAPTER XIV.

### INDIANS.

Indians not al-  
lowed to profane  
the Lord's day.

It is Enacted by the Court, &c. That the Indians especially such  
as live amongst or near the English Plantations, be not suffered to  
prophane the Lords day, by Hunting, Fishing, Fowling, Travailing  
with burdens, or by doing any servile work thereupon ; And if any  
being forewarned do, and will contemptuously offend in that kinde,  
the Constable of that Town, shall bring him before the next Magis-  
trate, or Select-men where a Magistrate is not, who upon proof of  
the Fact, may punish him by fine or otherwise, as the matter may  
be circumstanced ; And the like course to be taken with such In-  
dians as shall on the Lords day resort to English Houses, unless  
upon extraordinary occasion.

No guns or am-  
munition to be  
sold or loaned to  
them.

2. And whereas it is found by experience, that the Indians who  
are naturally perfidious, are abundantly more Insolent and Proud,  
when they are furnished with English Arms ;

It is therefore Enacted by this Court, &c. That whosoever shall  
Give, Lend, Trade, Truck, or exchange with the Indians, so as to  
furnish them directly or indirectly with any kinde of Arms, as Guns,  
Pistols, Swords, Rapiers, or the like, or Powder, Shot, or Lead,  
or Amunition of any kinde, he or they upon due conviction thereof,  
shall forfeit to the Colonies use twenty times the value thereof, which  
if he cannot pay, he shall otherwise be severely punished, by Im-  
prisonment or otherwise : And if any Indians that have Arms have  
or shall at any time manifestly appear to be unfaithful and treacherous  
to us, they shall forfeit such their Arms, and not be suffered for time

to come, to keep any unless particularly Licensed by the Court or Government.

3. It is also enacted, &c. That whosoever shall sell unto, or upon any consideration, furnish any Indians with any kinde of Boats, Barques, or such like Vessels, or Sails, or Tackling to fit up any Vessel, he or they shall forfeit to the Colonies use, ten times the value of such prohibited Goods, or be otherwise punished as the Court shall determine.

Nor shall boats, &c. be sold or lent to them.

4. Whereas Complaint is made of Indians stealing of live Hogs from the English, and selling them, and concealing it by cutting of the ears.

It is Enacted by the Court, That henceforth no Indians shall give any ear mark to their Swine, upon the penalty of the forfeiture of such Swine, one half to the Country, and the other half to him that shall make seizure of them; neither shall any Indian bring any Swine to sell, with their ears cut off, or ear-marked, on the same penalty as above, except he bring good Testimonies that he honestly obtained such Swine so marked, of some English.

Indians not allowed to give an ear-mark to their swine.

And to prevent controversie about Swine;

It is Enacted, That no English shall claim any Swine in custody of the Indians, but by their ear mark.

No Englishman shall claim any swine of an Indian but by the ear-mark.

5. Be it also Enacted, &c. That no person, whether Inhabitant of this Government or other, shall Purchase, Hire, or receive of Gift of the Indians, any Lands that lie within the Line of this Government, without the allowance and order of this Court, on pain of forfeiting for every Acre so bought, hired, or any way obtained of them, five pounds to the Colonies use. And if the fine or forfeiture cannot at present be obtained, the Lands so procured shall be forthwith seized for the Colonies use.

None allowed to purchase or receive any lands of the Indians.

Neither shall any Buy, or Hire, or receive of Gift, any Wood, Timber, or Herbage of the Indians, without the Courts allowance on pain of forfeiting five times the value thereof to the Colonies use.

Nor timber or herbage.

6. It is Enacted by the Court, &c. That liberty be hereby granted to the English in this Government, to sell Horses to the Indians, Provided every Horse so sold be brought to the Town Clerk of that Town where he is sold, and ten shillings in money, and delivered to the said Clerk, for the Colonies use, who shall Record his Mark or Marks, and have twelve pence of the said Money for his pains; and in case any shall sell any Horses or Horse Colt to the Indians, and neglect so to do, he shall forfeit every such Horse, or the value thereof, to the Colonies use.

Horses may be sold to the Indians on certain conditions.

But no person within this Government, shall sell or give any Mare

Mares not to be sold to Indians.

to the Indians, in pain of the forfeiture of every such Mare, or the value thereof to the use of the Colony : And that no Indian shall be suffered to keep any Mare in this Colony, on like penalty of the forfeiture of every such Mare to the Colonies use.

And that the Country may not be defeated of the abovesaid ten shillings, under pretence of lending Horses to the Indians, although sold to them :

Penalty for lending or hiring a horse of them.

It is therefore Ordered ; That none shall give, lend, or hire any Horse or Horse Colt to any Indian or Indians in pain of ten shillings forfeit to the Colonies use.

Penalty for selling or giving them wine, cider, &c.

7. Whereas notwithstanding many Orders have been made for the prevention of Drunkenness amongst the Indians, yet it doth abound amongst them to the dishonour of God, and occasion of many outrages done amongst them, and other inconveniences like more and more to ensue, if no stop be put thereto ;

It is therefore Ordered by this Court, That whatsoever person or persons, doth directly or indirectly, Give, Sell, Truck or Batter, or any wayes procure to or for any Indian or Indians, any Wine, Cyder or Strong-liquors, by whatsoever name the said liquor may be called, shall for every such offence forfeit, five pounds fine to the Colonies use ; Provided this Order shall not extend to restrain any charitable act, in relieving any Indian Bona fide, in any suddain exigent of sickness, faintness, &c. not exceeding one dram or two, or by the prescription and direction of some Physitian, under the hand of a Magistrate first obtain.

The testimony of an Indian sufficient to prove the sale of liquors, unless—

And it is Ordered, That the Accusation, Information or Testimony of any Indian or other probable circumstance, shall be accounted sufficient conviction of any English person or persons suspected to Sell, Trade or Procure any Wine, Cyder or Liquors as abovesaid, to any Indian or Indians, unless such English shall upon their Oath clear themselves from any such act of direct or indirect Selling, Trucking or Lending of Wine, Cyder or Liquors to any such Indian or Indians, and the same counted to be taken for conviction of any that Trade any Arms or Ammunition to the Indians.

And in case any such offender be not able to pay his or their fine as abovesaid, every such offender shall be publicly whipt.

Wine, &c. in the possession of Indians may be seized.

And it shall and may be lawful for any man to seize any Liquor, Cyder or Wine found in the Custody of any Indian or Indians, and have it for his pains, Provided he bring the said Indian or Indians before a Magistrate, or the Select Men of the Town, to be further examined about it.



## CHAPTER XV.

## HORSES.

Whereas many Questions, and sometimes troublesome Suits and Contests, grow between persons about Horses running together in the Woods unmarked, &c.

It is Ordered, That each Plantation within this Government, have a particular Brand-mark, to distinguish the Horses of one Plantation from another, as by Order of Court hath been in that case provided and in use amongst us: besides which, every Owner shall mark every of his Horses, Mares or Colts, with some distinguishing mark, and that before Witness, whereby one mans Horse-kinde may be known from another, and that in each Plantation there be an officer appointed, either the Town Clerk, or some other fit person, to Record each particular mans Horse kinde, with the Marks, Natural or Artificial, with the Colour and Age thereof, as near as may be known, with the year and day of the month, and to require as satisfying evidence of his right, who presents any such Horse-kinde to be Recorded as may be had, and to Record any defect of due evidence, that a way may be open to other claims, and such Officer to have six pence for every Horse-Kinde so Recorded of the Owner thereof.

Horses of each town to be marked with a brand.

Every person shall mark his horses, and the mark to be recorded.

And that whatsoever Owner of such Horse-kinde, shall neglect to present them, or the Mark and Age thereof to such Officer, to be Recorded, being above one year old, from time to time, at or before the first of March Annually, shall forfeit five shillings, the one half to the Town, and the other half to the Informer, excepting such Horses as any Owner keeps on his own ground.

Penalty for neglect.

And that no person take up any Horse-kinde running in the Woods, to carry out of the Township where they go, without first bringing them to the Officer aforesaid, to be Recorded, and to receive a Note from under his hand of the Marks, with the date thereof, on pain of forty shillings to the Colonies use; Paying like fees to the Officer aforesaid.

2. If any man shall take up any Stray-horse, Mare, or Horse-kinde, he shall within one month give notice of it, with the Age (as near as he can) and his colour and marks, that so the Treasurer may cause them to be cried at three Courts next following; and if any Owner be found, paying all due charges for his taking up and keeping, he shall have his Horse or Beast: But if after he hath been so publicly cried, no Owner appear in a year after he was first cried; such

Strays, &c.

Horse, Mare or other Beast, shall be one half to the Country, and the other half to him that took him up.

It is also Ordered, &c. That whosoever takes up any such Stray-Horse, Mare, &c. shall keep them well, and not wrong them by Drawing, Riding or otherwise, whilst he is upon such enquiry as abovesaid ; and that during the time, he shall always keep a Wyth about the neck of the Stray, by which it may be commonly known.

What horses shall not go at large, &c.

3. It is Enacted by the Court, That none shall suffer to go at large to feed, in any Commons within this Government, any stoned Horse, being above two years old, and not thirteen hands high at least from the lower part of the Hoof to the upper part of the With-er, every hand containing four Inches standard measure, in pain to forfeit the same Horse or the value thereof, the one half to the Country, and the other half to him or them which shall seize such Horse of lower stature ; So that first by the Assistance of the Constable, or Select-men of any Township where such seizure is made, or seizor dwelleth ; Such Horse being by the seizor first brought to the next Pound, shall there by such an Officer, in the presence of three sufficient men, be measured and found lower than the stature above mentioned. This Order to take place from and after the first of October, 1670.

What fences are sufficient against horses.

4. That such Fences as are judged sufficient against ordinary Neat Cattle, shall be allowed sufficient against Horses and Mares ; And if Horses be so wilde that they cannot be impounded, the Owner shall nevertheless satisfie the damage proved to have been done by them, as if impounded ; and if the Horse-kinde which so trespasseth be not marked, according to Order, the Owner for such shall pay double damage.

5. And whereas there hath been great Complaint of much damage done by Horse-kinde, and that many of them are and belong to For-eyners, either hither brought, here bought, or known to the Owners thereof to be strayed into this Colony, and here let run with their Increase year after year, to the great Damage and Annoyance both of English and Indians ;

The horses of foreigners to be forfeited, unless—

It is therefore Ordered, That all such Forreigners Horse-kinde (other than accidentally strayed, without the knowledge of the Owner) shall be taken out of this Colony by the last of December next, in pain of the forfeiture of every such Horse-kinde, the one half to the Colony, and the other half to him or them that shall take up every such Horse-kinde, found within this Colony after the said time, other than such strays as aforesaid, which shall be dealt with as by Order in that Case provided.

And this Court willeth, That all such as are Inhabitants, as have any Inspection over any the said Horses, to give timely notice thereof to the Owner of such Horses as aforesaid.

Inhabitants requested to give notice of such horses.

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NOTE.—In June, 1685, the laws were revised and again printed. This revision does not differ very materially from that of 1671. It contains some provisions which are not found in any of the other laws, of which the following are selected as the most important and interesting. There is no manuscript record of these laws preserved.

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#### THE GENERAL FUNDAMENTALS.

And it shall be in the liberty of any person, that is to be tried by a Jury, to challenge any of the Jurors, and if the challenge be found just and reasonable by the Bench, it shall be allowed, and others without just exception shall be Impannelled in their room: and if it be in case of Life and Death, the Prisoner shall have liberty (according to the law of England) to except against twenty of the Jury without giving any reason for the same.

In capital trials, 20 jurors may be challenged peremptorily.

#### ACTIONS.

It is Ordered by this Court and the Authority thereof: That all Actions about Title of Land shall be first Tried in the County where the lands lieth: and all other Actions triable at a County Court shall be Tried at any of the Counties, where either Plaintiff or Defendant resideth, as the Plaintiff pleaseth: and all Actions Triable at Select Courts shall be Tried at that Town where either Plaintiff or Defendant dwelleth, as the plaintiff seeth cause; and any Action triable before a Magistrate, one of the parties must live or reside in the County where the Magistrate lives or resides unless both Parties be Strangers.

Actions, where brought.

#### APPEALS.

It is ordered, That no person that sat as Judge and Voted in any Inferior Court shall Judge or Vote in any Court appealed to, unless the Judges appealed from be more than the Judges appealed to; in which case, it may be judged by the whole: in all appeals the case to be judged by the same evidence and no other than what was used in the Court appealed from, unless it appear either party were hindered from putting in any evidence in their case that of and by right and Law they should not have been hindered of; the said Court to confirm or reverse the Judgment, or to increase or abate the damage

Who shall hear appeals, and what evidence may be introduced.

as they may see cause according to Law ; and the Party that appeals shall bring in the whole case as left on file, and bring a certificate that he hath so done, and if he recover the charge, shall be allowed in his cost.

## BRIDGES.

Who to repair  
bridges.

It is ordered by the Court and the Authority thereof : That all defective Bridges and Highways, the Countrey, County, Town or particular persons, that of right ought to make and maintain the same: for neglect or defect therein, shall be liable to be presented to the County Courts, who as the case is circumstanced, shall lay Countrey, County, Town or Person that is defective under such Penalty as to them shall seem meet ; that they in such time as shall be Ordered, Repair or make such Bridge or Way as is presented ; and if they neglect or refuse to perform the same within the time set besides such fine as is laid on them, shall pay double damage to any particular Person that may suffer by reason thereof ; and if it be the occasion of the Death of any person after the time set them for making or repairing the same, the Countrey, County, Town or Person defective shall be liable to such reasonable satisfaction or fine to the Relations, as the Court shall judge meet.

## COUNTY COURTS.

County Courts,  
when held, and  
by whom.

It is ordered by this Court and the Authority thereof ; That there be in this Colony three Counties, and that in each County there shall be kept annually two County Courts ; which Courts shall be kept by the Magistrates living in the several Counties, or by any other Magistrate that can attend the same, or by such as the General Court shall appoint from time to time, and to make a Court, there shall be present not less than three Magistrates or Associates, and in no case shall judgment be given without there be two consenting, or the major part if more than four Judges ; and in the absence of the Governour or Deputy Governour, the eldest Magistrate shall be President of the Court ; which Court shall have, and hereby have power to order the choice of Juries of Grand Inquest and Trials in their several Counties, and to constitute Clerks and other needful Officers ; the County Treasurer to be appointed and allowed of by said Court annually.

Jurisdiction, &c.

It is Ordered ; That each County Court shall have and hereby have power to Hear, Try and Determine according to Law all matters, Actions, Causes and Complaints, whether Civil or Criminal, in any Case not extending to Life, Limb or Banishment, or matter of Divorce.

2. It is Ordered That Plimouth, Duxbury, Scituate, Marshfield, Bridgwater and Middlebrough, together with all such places and Villages, that do or may lye between the said Towns and the Patent Line be a County; Plymouth the County Town, and said County called the County of Plimouth; in which County shall be kept two County Courts annually, at the Town of Plimouth one, on the third Tuesday in March; and the other on the third Tuesday in September.

Plymouth County.

3. It is also Ordered; That Barnstable, Sandwich, Yarmouth and Eastham, the Villages of Sippican, Suckonesset and Monamoy shall be a County; Barnstable the County Town, and said County shall be called the County of Barnstable, in which County shall be kept two County Courts annually at the County Town; one on the third Tuesday in April and the other on the third Tuesday in October.

Barnstable County.

It is further Ordered; That Bristol, Taunton, Rehoboth, Dartmouth, Swansea, Little Compton, Free Town, Sowammit, Pocasset, Punkatest and all such Places, Towns and Villages as are or may be settled on said Lands shall be a County, Bristol the County Town, and the said County shall be called the County of Bristol; In which County shall be kept two County Courts annually at the County Town; one on the third Tuesday in May, and the other on the third Tuesday in November.

Bristol County.

4. It is Ordered &c. That all Deeds, Bargains, Mortgages for Houses, Rents, Lands, not already Recorded in the Public Records, or that shall not be Recorded before the first County Court of each County shall or may be Recorded in the County where they lye by the County Recorder; which shall from and after the first County Court that sits in said County be accounted legal and sufficient Record for the same; it having been acknowledged or duly proved before the Recording.

Conveyances of land to be recorded in the County where it lays.

5. It is Ordered, that such County Court shall have, and hereby have power to settle and dispose according to Law the estate of any Person, that dies Intestate within the County and to grant Letters of Administration and take the probate of Wills.

County Court may settle the estates of intestates and take probate of wills.

6. It is enacted, That County Courts have Power to make effectual orders about County Prisons, Highways and Bridges; and when there is occasion, Order rates to be made in the several Towns and Places of the County for defraying County charges; the Raters of each Town to rate their Inhabitants, or Persons under their Constablerick according to the proportion ordered by the County Court; and the Constable to gather such rates and be accountable for the same to the County Treasurer.

May make orders about highways, bridges, &c.

7. It is Ordered, That in any County where a Stranger dies In-

Town clerks to return to the county court the names of constables, &c.

testate, the County Court shall appoint a meet Person to Administer on his Estate, if he leave any, and to secure the same for them of whom of Right it doth or may belong.

8. It is Ordered, That the Town Clerk in each Town annually return the Names of such Persons to the County Court, as by the several Towns are chosen to serve ; as Constable, Grand Jurymen, Surveyors of Highways ; that they may take their Oaths, and be established in their respective Places ; and the Selectmen to be returned to the Court of Election on penalty of twenty shillings fine for each neglect.

Clerks to be recorders of the county.

9. It is Ordered, That the Clerk of the County Court shall be the Recorder of the County, who shall Record Deeds and Evidences for Lands lying within the County, who shall be under Oath for the faithful discharge of his Place : Said Clerk in open Court may administer Oaths to Witnesses, and in the Name or Order of Court to grant Summons, Attachments, Warrants, and to sign and give out Executions for any Judgment obtained in any of the County Courts, which shall not be till twelve hours after Judgment, unless in any particular case the Law hath otherwise provided : nor then if the Court, or any special cause shall Respit the same.

County courts may adjourn, &c.

10. It is Ordered, That each County Court may adjourn their County Courts as to them may seem meet ; and all Persons concerned shall be bound to attend the said adjournment.

Duty and authority of county marshal.

11. It is Ordered, That there be a County Marshal, who shall always attend said Courts, who are impowered to serve all Warrants, Attachments or Summons, that are directed to them, and to Levy Executions, who may require aid in the Execution of their Office, which shall be yielded on the same penalty, that is, for any to refuse to assist a Constable.

When two magistrates may grant administration and probate of wills.

12. It is Ordered, That in Case that requires a speedy proving of a Will, or taking out Letters of Administration ; it shall be lawful for any two Magistrates, the Clerk of the County Court being present, to record the same, to take the Probate of such Wills and to grant Administrations though out of Court, or not in Court time.

Equity powers.

13. That a Magistrate, or any Court shall have Power to determine all such matters of Equity in Cases or Actions that have been under their cognizance as cannot be relieved by the common Law, as the forfeiture of an Obligation, breach of Covenants without great Damage, or the like matters of apparent Equity.

When to choose raters.

14. Ordered, That the County Court, or any two of the Magistrates may, as need shall require, upon defect of any Towns chusing Raters, or the Raters neglecting to make such Rates, as by Order

of Court are required of them, or orderly committed to them, make choice of three men in such Town to make such Rates as aforesaid.

15. Ordered, That in all Criminal Cases, or Misdemeanors, besides their Fines or Punishments, Persons convict shall pay Cost and needful charges of Prosecution.

Criminals convicted to pay costs.

16. It is Ordered, &c. That a Judgment acknowledged before any two Magistrates and the Clerk of the Court, shall be good in Law ; and if the Clerk be a Magistrate, he with one Magistrate may take such acknowledgment, and the Clerk shall have twelve pence for recording the same.

Before whom judgment may be acknowledged.

#### COURTS OF SELECTMEN.

It is Ordered by this Court and Authority thereof—That every Town in this Colony shall chuse three or five able Discreet men out of the Freemen of each Town annually, who shall be presented to the General Court at June to be approved, and then Sworn there, or before a Magistrate, who shall have power to hear, try and determine all actions of Debt, Trespass or Damage not exceeding forty shillings ; and to grant Summons and Attachments to the Marshal or Constables to be returned into their Courts, which may be four in one year, and not more ; and to administer Oaths to any that may be used at their Courts, or in such matters as they have to deal withal ; and summons Witnesses, and upon issue of the Cases to grant Executions to the Constable or County Marshal, who shall execute the same and make return thereof, & doing thereupon to the Officer that keeps the records of such Courts ; and in all things to act and determine according to Law as is provided for other Courts and causes without Jury ; and that to make a valid act, there shall be the major part of them consenting ; and that the Selectmen in each Town shall order the prudential affairs of the Town, viz, to admit, approve or disapprove of any person who shall offer to Dwell or Inhabit in the said Town, to provide for such poor and necessitous Persons at the Towns charge, as the Town ought to be charged withal ; to look after and prevent any Incroachments upon Highways and Streets, to look after the keeping and maintaining the Town bounds at the Town's charge ; to put out with the consent of a Magistrate, Children that cannot or are not provided for by their Parents or Friends to Service or Apprentice ; Boyes till one and twenty, and Girls till eighteen years of age ; to put out to Service with the Advice of a Magistrate any Idle, Disorderly or Shiftless Persons that are likely to be chargeable to the Town ; That in such Town

Courts of selectmen, their constitution and jurisdiction.

where no Magistrate or Person authorized with Magistratical power is, the Select-men or any two of them shall have power to convict and punish any persons according to Law for Drunkenness, Swearing, Cursing, Sabbath-breaking, Night-walking, Breaking of Peace, and all such other Matters in their Town referred to them by Law.

## CRIMINALS.

Whereas divers unruly Persons, Servants and others in several places of this Colony, meet together to walk about in the Night to Drink, Revel or Pilfer; the same tending to the corrupting and debauching of the Youth; and many offend and prejudice the peaceable Inhabitants of the several Towns; for prevention whereof;

Night-walkers,  
how punished.

It is Ordered by this Court and the Authority thereof, that all Persons walking in the Fields or Streets after nine or ten o'clock at Night, unless known peaceable and orderly Inhabitants shall be liable to be examined by the Selectmen, Constable or Watch of the Town: or if complained on by any other person of the Town, and if they cannot give a satisfactory reason for their so doing, he or they shall be had before some Magistrate or other Person authorized, who upon the hearing of the Case, it appear they have been Rude or unreasonably Drinking, Revelling, Gaming, Sporting or any ways disturbing; or if it be Servants or Children, and it be without their Parents or Masters leave, they shall for the first Offence be admonished, or pay five shillings to the County, or sit in the Stocks an hour; and if Transgress a second time, to pay ten shillings, or be whipt with ten lashes, and so from time to time as often as they transgress.

## FAIRES.

Two fairs to be  
held annually at  
Bristol.

It is Ordered; That there be two Faires annually kept at Bristol, one on the third Wednesday and Thursday in May, and the other the third Wednesday and Thursday in November.

## INDIANS.

Indians not to  
powwow, or wor-  
ship any evil be-  
ing.

It is Ordered by this Court and Authority thereof; That no Indian which shall dwell or come into our Jurisdiction shall presume at any time to *Powwow* or perform outward Worship to the Devil or other false God under the penalty of five pounds or severe Corporal punishment both of said *Powwow* and of such other as shall procure or abett him therein.

And that no Indian shall resort to any English house on the Lords



day especially when any of the People thereof are gone to Meeting, unless upon extraordinary occasion, under the penalty of ten shillings or Corporal punishment by Whipping, as the matter may be circumstanced; and that no Indian under the like penalty, prophane the Lords day by Hunting, Fishing, Fowling, Travelling with Burthens, or doing any servile work thereon.

Nor to resort to the houses of the English on the Lord's day.

#### LANDS & INHERITANCE.

1. It is Ordered and declared by this Court and the Authority thereof; That all Lands heretofore Intailed, and that shall be Intailed hereafter, shall descend and enure as by the Law of England the same ought to do.

Entailed estates to descend according to the law of England.

2. It is Ordered and Declared, &c. That all the Sons of any Person having Lands in fee simple shall be Heirs (paying and satisfying in case as is by Law provided) the Eldest Son shall have double to any of his Brethren; and all the younger equal Shares of the Land of their Ancestors; and where there is but one Son, he shall be sole Heir, paying and satisfying as aforesaid; and where there is no Son, all the Daughters shall inherit alike.

Who to inherit.

3. And that all the Brethren of the whole Blood shall be Heirs to any Person dying without Issue; the Eldest Brother to have double to any one of his Brethren; and where there is but one Brother, he shall be sole Heir to such Brother or other Ancestor; and where there is no Brother, the Sisters of the whole Blood shall Inherit alike.

#### DOWER.

That there may be competent Provision made for the Maintenance of Wives after the Discease of their Husbands who died Intestate:

It is Ordered and Enacted by this Court and the Authority thereof; That every married woman, who hath not demerited the contrary by her wilful Absence or Departure from her Husband or other notorious fact without reconciliation to him in his life time; or hath not by former Contract with her consent been Estant into some House, Lands or Tenements for term of her life, shall immediately after the death of her Husband according to the common law of England for the sustenance of herself, the nurture and education of her Children have Right and Interest by way of Dower in and to one third part of all such Houses and Lands as her husband was at any time seized of during the coverture, other than what Lands shee freely resigned up her Interest in, and acknowledged the same before

Dower to the widow to be set off by metes and bounds.

a Magistrate : To have and to hold unto the said Wife in severalty by Meets and Bounds for and during only the term of her life whether she had issue by her Husband or no : said third part to be set out to her by persons appointed thereunto by the County Court if the persons concerned agree not : Provided always, such Widow endowed as abovesaid shall not commit or suffer any strip or wast, but shall maintain all such Houses, Fences and Inclosures as shall be assigned to her for her Dower ; and shall leave the same in good and sufficient reparation in all respects.

Widow to have one half of personal estate, when there are no children.

It is also Ordered, &c. That all just Debts being first paid, the Widow shall have one third part of her late Husbands personal Estate to be at her own absolute dispose, and the other two thirds to be disposed amongst the children as the Law is provided. And where there are no children left of the Deceased Intestate Husband, there the Widow shall have the one half of the personal Estate, unless the Court see just reason and cause to order it otherwise.

#### MARITIME MATTERS.

Maritime matters to be tried by county courts.

Ordered by the Court ; That all Maritime matters shall be tried at County Courts by the Laws and Customs of England.

#### SCHOOLS.

1. Ordered by this Court and the Authority thereof, That every County Town shall have and maintain a Latine School ; which if they do and the Master judged by the major part of the Ministers of the County a Person capable to bring up Youth fit for the Colledge ; then such Town for their encouragement shall have one third part annually of the money raised on the account of the Cape Fishing ; and if the County Town refuse or neglect the same, then such other Town that hath such a School shall have said Money ; and if more than one such in the County, where the County Town neglects, then said Money to be divided between them ; and where there is no such School in the County, then the Money to be for the Colonies use.

Latin school, how supported.

2. Ordered, That in any County Town where such School-Master is provided, whether by the major part of the Town or upon their neglect by a minor part, with the approbation of two Magistrates ; such Town shall pay twelve pounds per annum to be raised as other Town Rates annually for such School-Master ; and such as have the immediate benefit by sending their children to pay three pence a week for Writing and Reading, and six pence a week for a Schollar after he comes to his Grammar ; and every such School-Master shall

be capable to teach to Write and Cypher ; and shall receive children after they are fit to begin in their Psalter ; and any that send their children from any other Town in the County not to pay for their Schooling.

#### INTESTATES ESTATE.

Ordered, That if any Person shall die Intestate, Funeral Charges and Debts being paid, and such sum set apart as the County Court shall see meet for the bringing up of small Children or to be allowed for any Child, that is lame or decrepit or otherwise helpless and like to be more than ordinarily chargeable ; the remainder of Goods and Chattels to be disposed of as follows ; one third part to the Widow ; the other two thirds to be equally divided among the Children, discounting with each Child what appears they had before received in part of their Portion, saving to the eldest Son a double portion, if the Lands assigned to him do not amount unto a double Portion of the whole Estate real and personal.

Personal estate  
of intestates, how  
distributed.

Ordered also, That if any person dieth Intestate, having Lands in fee simple whereby such Lands descend to the Heir Male, and there be divers Daughters and no considerable Estate besides Lands when Debts are paid, so that Daughters cannot have Portions in any measure according to such Intestate estate, the County Court out of which administration of any such Estate was granted, and where the Land lieth shall have power upon due consideration of such case to appoint such Heir or Heirs male to pay to the Daughters Portions at such time and in such manner, and so much as to said Court shall be just and reasonable not exceeding to one Daughter the portion of any younger Brother ; which he hath by descent and from and by division of the Intestate Goods and Chattels ; and if such Heir or Heirs if of full age or their Guardian or Guardians for such or so many as are under age shall not pay such Portion or Portions as the Court hath Ordered and appointed and set down upon Record : The Clerk of said Court by order of Court shall grant Execution for such Portion or Portions, to be levied on such Lands as so descended or other sufficient Estate, which shall be delivered to the Party ; and if it be Lands, it shall be as good an Estate to Her and Her Heirs as in other case of Lands delivered on Execution.

Daughters' por-  
tions, how paid.



## APPENDIX.

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“CONDITIONS UPON WHICH THE ENGLISH AT LEYDEN, WHO INTENDED TO REMOVE TO AMERICA, ENGAGED WITH SOME MERCHANTS IN ENGLAND, WHO WERE TO BE JOINT ADVENTURERS WITH THEM.

I. The adventurers and planters doe agree, that every person that goeth being sixteen yeeres old and upwards, bee rated at tenn pounds, and that tenn pounds be accounted a single share.

II. That he that goeth in person and furnisheth himself out with tenn pounds, either in money or other provisions, bee accounted as having tenn pounds in stocke, and in the division shall receive a double share.

III. The persons transported, and the adventurers, shall continue their joint stocke and partnershipe, the space of seaven yeeres, except some unexpected impediments do cause the whole company to agree otherwise ; during which time all profits and benefitts, that are gotten by trade, trafficke, trucking, working, fishing, or any other means, of any other person or persons, remaine still in the common stocke, until the division.

IV. That, at their coming, they shall chuse out such a number of fit persons as may furnish their shipes and boats for fishing upon the sea ; imploying the rest in their several facultyes, upon the land, as building houses, tilling and planting the ground, and making such commodities as shall be most useful for the colony.

V. That at the end of the seaven yeeres, the capital and profits, viz. the houses, lands, goods, and chattels, be equally divided amongst the adventurers : if any debt or detriment concerning this adventure ——— \*

VI. Whosoever cometh to the colony hereafter, or putteth any

\* “ Here something seems to be wanting, which cannot now be supplied.” — *Belk. Amer. Biog.* II, 132.

thing into the common stocke, shall, at the end of the seaven yeeres, bee allowed proportionably to the time of his soe doing.

VII. He that shall carrie his wife, or children, or servants, shall be allowed, for every person, now aged sixteen yeeres and upward, a single share in the division; or, if he provide them necessaries, a double share, or if they be between tenn yeeres old and sixteen, then two of them to bee reconed for a person, both in transportation and division.

VIII. That such children that now goe, and are under age of ten yeeres, have noe other share in the division than fivety acres of unmanured land.

IX. That such persons as dy before the seaven yeeres be expired, their executors to have their parts or share, at the division, proportionably to the time of their life, in the colony.

X. That all such persons as are of the colony are to have meat, drinke, and apparel, out of the common stocke and goods of the said colony."

\* TREATY WITH MASSASOIT.

I. That neither he nor any of his, should injure or do hurt to any of their people.

II. That if any of his did any hurt to any of theirs, he should send the offender that they might punish him.

III. That if any thing were taken away from any of theirs, he should cause it to be restored, and they should do the like to his.

IV. That if any did unjustly war against him, they would aid him; and if any did war against them, he should aid them.

V. That he should send to his neighbour confederates, to inform them of this, that they might not wrong them, but might be likewise comprised in these conditions of peace.

VI. That when his men came to them upon any occasion, they should leave their arms (which were then bows and arrows) behind them.

VII. Lastly. That so doing, their sovereign Lord King James would esteem him as his friend and ally.

\* This treaty was made in March, 1621, and is found in Morton's Memorial, p. 51, Davis' Ed.

## SUBMISSION OF INDIAN SACHEMS.

*September 13, Anno Dom. 1621.*

Know all men by these presents, that we, whose names are under-written, do acknowledge ourselves to be the royal subjects of King James, King of Great Britain, France and Ireland, defender of the faith, &c. In witness whereof, and as a testimonial of the same, we have subscribed our names or marks, as followeth :

<i>Ohquamehud,</i>	<i>Nuttawahunt,</i>	<i>Quadaquina,</i>
<i>Cawnacome,</i>	<i>Caunbatant,</i>	<i>Huttmoiden,</i>
<i>Obbatinnua,</i>	<i>Chikkatabak,</i>	<i>Apannow.</i>

WILLIAM BRADFORD, &c. SURRENDER OF THE PATENT OF  
PLYMOUTH COLONY TO THE FREEMEN, MARCH 2d, 1640.

Whereas divers and sondry Treaties have beene in the Publicke generall Courts of New-Plymouth his majestie our dread Sovereigne Charles by the grace of God King of England Scotland France and Ireland &c concerning the proper Right and title of the Lands within the bounds and limitts of his said majesties Letters Patents graunted by the Right Honorable his majesties Counsell for New England ratified by their Comon Seale and signed by the hand of the Right Honorable Earle of Warwicke then President of the said Counsell to William Bradford his heirs associates and assignes beareing date &c And whereas the said William Bradford and divers others the first Instruments of God in the beginninge of this greate work of Plantacon together with such as the Alorderinge God in his Providence soone added vnto them have beene at very greate charges to procure the said lands priviledges and freedoms from all entanglements as may appeare by diuers and sondry deeds enlargements of graunts purchases payments of debts &c by reason whereof the title to the day of this present remayneth in the said William his heires associats and assignes now for the better setting of the state of the said land aforesaid the said William Bradford and those first Instruments termed and called in sondry orders vpon publick Record the Purchasers or Old Comers witnes two in especiall the one beareing date the third of March 1639 the other in December the first 1640 wherevnto these presents have speciall relacon and agreement and whereby they are distinguished from other the freemen and Inhabi-

tants of the said Corporation Be it knowne vnto all men therefore by these presents That the said William Bradford for himself his heires together with the said purchasers do onely reserve vnto themselves their heires and assignes those three tracts of land menconed in the said resolvcion order and agreement beareing date the first day of December 1640 viz. first from the bounds of Yarmouth three miles to the Eastward of Naemskeckett and from Sea to Sea crosse the said neck of land The second of a place called Acconquesse (alias) Acockus which lyeth in the bottome of the Bay adjoyneing to the west side of Poynt Perrill and two miles to the westerne side of the said River to another place called Acqussent River which entereth at the westerne end of Nickatay and two miles to the Eastward therof and to extend eight miles vp into the Countrey The third place from Sowamsett River to Patuckquett River with Consumpsit neck which is the cheef habitation of the Indians and reserved for them to dwell vpon extending into the land eight miles through the whole breadth thereof, together with such other smale percells of lands as they or any of them are personally possessed of or interested in by vertue of any former titles or graunts whatsoever and the said William Bradford doth by the free and full consent approbacon and agreement of the said Old Planters or Purchasers together with the likeing approbacon and acceptacon of the other part of the said Corporacon surrender into the hands of the whole Court consisting of the Freemen of this Corporacon of New-Plymouth all that ther right and title power authoritye priuiledges immunities and freedoms graunted in the said Letters Patents by the said Right Honorable Councell for New England reserueing his and their personall Right of Freemen together with the said old Planters aforesaid except the said Lands before excepted, declaring the Freemen of this present Corporacon together with all such as shall be legally admitted into the same his associates And the said William Bradford for him his heires and assignes doe further hereby promise and graunt to doe and performe whatsoever further thinge or thinges act or acts which in him lieth which shalbe needfull and expedient for the better confirmeing and establishinge the said premisses as by Counsell learned in the Laws shalbe reasonably advised and devised when he shalbe therevnto required In witnes whereof the said William Bradford hath in Publicke Court surrendered the said Letters Patents actually into the hands and power of the said Court bynding himselfe his heires executors administrators and assignes to deliver vp what-



soever specialties are in his hands that do or may concerne the same.

*Memorand.* That the said surrender was made by the said William Bradford in publicke Court to Nathaniel Sowther especially authorised by the whole Court to receive the same together with the said Letters Patents in the name and for the use of the whole Body of Freemen.

It is ordered by the Court that Mr William Bradford shall have the keepeing of the said Letters Patents which were afterwards delivered vnto him by the said Nathaniel Sowther in the Publicke Court.

PROCEEDINGS OF THE GENERAL COURT RELATIVE TO A CONFEDERATION WITH THE OTHER COLONIES.

*Sept. 27, 1642.*

The Court being mett together & haveing Intelligence of a generall conspiracy intended by the Natives to cutt off all the English in this land tooke the same into serious consideration and duly waying such informacons w<sup>ch</sup> they have received together w<sup>th</sup> the circumstances concurring there w<sup>th</sup>all do adjudge it absolutely needful and requisite to make speedy preparacon thoroughout the government for a defensive and offensive warr against them as if they were presently to be sent forth.

2. It is agreed and concluded that Mr Edward Winslow, Mr Timothy Hatherley & Captaine Miles Standish shall be sent into the Bay to & have power to agitate and conclude w<sup>th</sup> them for a present combinacon or league but not to conclude that w<sup>th</sup>out consent of the Court here.

Their Commission is as followeth.

Mr Edward Winslow, Mr Timothy Hatherley and Captaine Miles Standish are deputed and authorized by the Gen<sup>all</sup> Court this day to treat and conclude w<sup>th</sup> such Commissioners as the Gov & Court of Massachusetts shall appoynt for that purpose upon such heads and propositions as the Lord shall direct them for our combineing together mutually in a defensive and offensive warr for our present defence against the intended surprisall of the Natives. And also to treat and confer w<sup>th</sup> them about a further combinacon and league to

be concluded betwixt us for future tymes and to certify this Court of the heads thereof that upon our approbacon of the same they may be confirmed by a gen'all Court.

*June 6, 1643.*

It is ordered and concluded by the Court that Mr Edward Winslow, and Mr William Collyer shall have full Commission and Authority in Name of the whole Court to subscribe the Articles of Confederacon (now read in the Court) with the Massachusetts Conectacutt and New Haven and to subscribe the same in name of the whole and to affix thereto the Comon Seale of the Government.

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ARTICLES OF CONFEDERATION BETWEEN THE PLANTATIONS  
VNDER THE GOVERNMENT OF THE MASSACHUSETTS THE  
PLANTAcons VNDER THE GOVERNMENT OF NEW-PLYMOUTH  
THE PLANTAcons VNDER THE GOVERNMENT OF CONNECTA-  
CUTT AND THE GOVERNMENT OF NEW-HAVEN WITH THE  
PLANTAcons IN COMBINACON THEREWITH.

Whereas wee all came into these parts of America with one and the same end and ayme namely to aduance the Kingdome of our Lord Jesus Christ and to enjoy the liberties of the Gospell in puritie with peace And whereas in our settleinge (by a wise Providence of God) we are further dispersed vpon the Sea Coasts and Riuers then was at first intended, so that we cannot according to our desire with convenience communicate in one Gouvernement and Jurisdiccon : And whereas we live encompassed with people of seuerall Nations and strang languages which hereafter may proue injurious to vs, or our posteritie. And forasmuch as the Natives have formerly committed sondry insolences and outrages vpon seuerall Plantacons of the English and have of late combined themselues against vs And seing by reason of those sad Distraccons in England which they have heard of, and by which they know we are hindred from that humble way of seekinge advise, or reapeing those comfortable fruits of protection which at other tymes we might well expecte Wee therefore doe conceiue it our bounden Dutye without delay to enter into a present Consotiation amongst our selues for mutuall help and strength in all our future concernements : That as in Nation and Religion so in other Respects we bee and continue one according to the tenor

and true meaning of the ensuing Articles : Wherefore it is fully agreed and concluded by and betweene the parties or Jurisdiccons aboue named and they joyntly and seuerally doe by these presents agree and conclude That they all bee and henceforth bee called by the Name of *The United Colonies of New-England.*

II. The said United Colonies for themselves and their posterities do joyntly and seuerally hereby enter into a firme and perpetuall league of Friendship and amytie for offence and defence mutuall advise and succour vpon all just occasions both for preserueing and propagating the truth and liberties of the Gospell and for their owne mutuall safety and wellfare.

3. It is further agreed That the Plantacons which at present are or hereafter shalbe settled within the limmetts of the Massachusetts shalbe forever vnder the Massachusetts and shall have peculiar Jurisdiccon among themselves in all cases as an entire Body and that Plymouth Connecktacutt and New Haven shall eich of them haue like peculiar Jurisdiccon and Gouvernment within their limmetts and in reference to the Plantacons which already are settled or shall hereafter be erected or shall settle within their limmetts respectiuey Provided that no other Jurisdiccon shall hereafter be taken in as a distinct head or member of this Confederacon nor shall any other Plantacon or Jurisdiccon in present being and not already in Combynacon or vnder the Jurisdiccon of any of these Confederats be received by any of them nor shall any two of the Confederates joyne in one Jurisdiccon without consent of the rest which consent to be interpreted as is expressed in the sixt Article ensuinge.

4. It is by these Confederats agreed that the charge of all just warrs whether offensiuie or defensiuie upon what part or member of this Confederacon soeuer they fall, shall both in men and provisions and all other Disbursements be borne by all the parts of this Confederacon in different proporcons according to their different abillitie in manner following, namely that the Commissioners for eich Jurisdiccon from tyme to tyme as there shalbe occasion bring a true account and number of all the males in euery Plantacon or any way belonging to or under their seuerall Jurisdiccons of what quallty or condicon soeuer they bee from sixteene yeeres old to threescore being Inhabitants there And that according to the different numbers which from tyme to tyme shalbe found in eich Jurisdiccon upon a true and just account, the service of men and all charges of the warr be borne by the Poll : eich Jurisdiccon or Plantacon being left to their owne

just course and custome of rating themselves and people according to their different estates with due respects to their quallities and exemptions among themselves though the Confederacon take no notice of any such priviledg : and that according to their differrent charge of eich Jurisdiccon and plantacon, the whole advantage of the warr (if it please God to bless their Endeavours) whether it be in lands goods or persons shall be proportionably devided among the said Confederats.

5. It is further agreed That if any of these Jurisdiccons or any plantacon vnder or in combynacon with them be envaded by any enemy whomsoever vpon notice and request of any three majestrats of that Jurisdiccon so invaded the rest of the Confederates without any further meeting or expostulacon shall forthwith send ayde to the Confederate in danger but in different proporcons ; namely the Massachusetts an hundred men sufficiently armed and provided for such a service and journey, and eich of the rest fourty five so armed and provided, or any lesse number, if lesse be required, according to this proporcon. But if such Confederate in danger may be supplied by their next Confederate, not exceeding the number hereby agreed, they may craue help there, and seeke no further for the present : the charge to be borne as in this Article is exprest : And at the returne to be victualled and supplied with poder and shott for their journey (if there bee neede) by that Jurisdiccon which employed or sent for them : But none of the Jurisdiccons to exceed these numbers till by a meeting of the Commissioners for this Confederacon a greater ayd appeare necessary. And this proporcon to continue till upon knowledge of greater numbers in eich Jurisdiccon which shalbe brought to the next meeting some other proporcon be ordered. But in any such case of sending men for present ayd whether before or after such order or alteracon, it is agreed that at the meeting of the Commissioners for this Confederacon, the cause of such warr or invasion be duly considered : And if it appeare that the fault lay in the parties so invaded that then that Jurisdiccon or plantacon make just Satisfaccon, both to the Invaders whom they have injured, and beare all the charges of the warr themselves without requiring any allowance from the rest of the Confederats towards the same And further that if any Jurisdiccon see any danger of any Invasion approaching, and there be tyme for a meeting that in such case three majestrats of that Jurisdiccon may summon a meeting at such convenyent place as themselves shall think meete, to consider and provide against the

threatned danger Provided when they are met they may remoue to what place they please Onely whilst any of these foure Confederats have but three Majestrats in their Jurisdiccon, their request or summons from any two of them shalbe accounted of equall force with the three menconed in both the clauses of this Article, till there be an encrease of Majestrats there.

6. It is also agreed that for the mannaging and concluding of all affaires proper and concerneing the whole Confederacon two Commissioners shalbe chosen by and out of eich of these foure Jurisdiccions namely two for the Mattachusetts, two for Plymouth, two for Connectacutt and two for New Haven being all in Church fellowship with us which shall bring full power from their seuerall generall Courts respectively to heare examine weigh and determine all affaires of our warr or peace leagues ayds charges and numbers of men for warr division of spoyles and whatsoever is gotten by conquest receiueing of more Confederats for Plantacons into combinacon with any of the Confederates and all thinges of like nature which are the proper concomitants or consequents of such a confederacon for anytie offence and defence not intermeddleing with the gouernment of any of the Jurisdiccions which by the third Article is preserued entirely to themselues. But if these eight Commissioners when they meete shall not all agree yet it is concluded that any six of the eight agreeing shall have power to settle and determine the business in question : But if six do not agree that then such proposicons with their reasons so farr as they have beene debated be sent and referred to the foure generall Courts vizt. the Mattachusetts Plymouth Conectacutt and New Haven : And if at all the said Generall Courts the businesse so referred be concluded then to bee prosecuted by the Confederates and all their members It is further agreed that these eight Commissioners shall meete once every yeare besides extraordinary meetings (according to the fift Article) to consider treatate and conclude of all affaires belonging to this Confederacon which meeting shall euer be the first Thursday in September. And that the next meeting after the date of these presents which shalbe accounted the second meeting shalbe at Bostone in the Massachusetts the third at Hartford the fourth at New Haven the fift at Plymouth the sixt and seaventh at Boston And then Hartford New Haven and Plymouth and so in course successiuey, if in the meane tyme some middle place be not found out and agreed on which may be commodious for all the Jurisdiccions.

7. It is further agreed that at eich meeting of these eight Commissioners whetlier ordinary or extraordinary they or six of them agreeing as before may chose their President out of themselues whose office and worke shalbe to take care and direct for order and a comely carrying on of all proceedings in the present meeting : but he shalbe invested with no such power or respect, as by which he shall hinder the propounding or progresse of any businesse or any way cast the Scales otherwise then in the precedent article is agreed.

8. It is also agreed that the Commissioners for this Confederacon hereafter at their meetings whether ordinary or extraordinary as they may have Comission or opertunitie do endeavoure to frame and establish agreements and orders in generall cases of a civill nature wherein all the Plantacons are interested for preserving peace among themselues and preventing as much as may bee all occations of warr or differences with others, as about the free and speedy passage of Justice in every Jurisdiccon, to all the Confederats equally as to their owne, receiveing those that remoue from one plantacon to another without due certefycats ; how all the Jurisdiccons may carry it towards the Indians, that they neither grow insolent nor be injured without due satisfaccion, lest warr break in vpon the Confederates through such miscarriage. It is also agreed that if any servant runn away from his master into any other of these confederated Jurisdiccons That in such Case vpon the Certifycate of one Majestrate in the Jurisdiccon out of which the said servant fled or vpon other due prooffe, the said servant shalbe deliuered either to his Master or any other that pursues and brings such Certificate or prooffe. And that vpon the escape of any prisoner whatsoever or fugitiue for any criminall cause, whether breakeing prison or getting from the officer or otherwise escapeing vpon the certificate of two Magistrats of the Jurisdiccon out of which the escape is made, that he was a prisoner or such an offender at the tyme of the escape, The Majestrates or some of them of that Jurisdiccon where for the present the said prisoner or fugitive abideth shall forthwith graunt such a warrant as the case will beare for the apprehending of any such person, and the delivery of him into the hands of the officer or other person who pursues him. And if there be help required for the safe returneing of any such offendor, then it shalbe graunted to him that craves the same he paying the charges thereof.

9. And for that the justest warrs may be of dangerous consequence espetially to the smaler plantacons in these vnited Colonies It is

agreed that neither the Massachusetts, Plymouth, Connecticut nor New-Haven, nor any of the members of any of them shall at any tyme hereafter begin undertake or engage themselves or this Confederacon or any part thereof in any warr whatsoever (sudden exegents with the necessary consequents thereof excepted) which are also to be moderated as much as the case will permit) without the consent and agreement of the forenamed eight Comissioners or at least six of them, as in the sixth Article is provided : And that no charge be required of any of the Confederats in case of a defensive warr till the said Comissioners have mett and approued the justice of the warr ; and have agreed vpon the sum of money to be levied which sum is then to be payd by the severall Confederates in proporcon according to the fourth Article.

10. That in extraordinary occations when meetings are summoned by three Majestrats of any Jurisdiccon, or two as in the fift Article If any of the Comissioners come not due warning being given or sent It is agreed that foure of the Comissioners shall have power to direct a warr which cannot be delayed and to send for due proportions of men out of eich Jurisdiccon, as well as six might doe if all mett ; but not less then six shall determine the justice of the warr or allow the demaunde or bills of charges or cause any levies to be made for the same.

11. It is further agreed that if any of the Confederates shall hereafter break any of these present Articles, or be any other wayes injurious to any one of thother Jurisdiccons, such breach of Agreement, or injurie shalbe duly considered and ordered by the Comissioners for thother jurisdiccons, that both peace and this present Confederacon may be entirely preserved without violacon.

12. Lastly this perpetuall Confederacon and the several Articles and Agreements thereof being read and seriously considered both by the Generall Court for the Massachusetts, and by the Comissioners for Plymouth Connecticut and New-Haven were fully allowed and confirmed by three of the forenamed Confederates namely the Massachusetts Connecticut and New-Haven Only the Comissioners for Plymouth haveing no Commission to conclude, desired respite till they might advise with their Generall Court, wherevpon it was agreed and concluded by the said Court of the Massachusetts and the Comissioners for the other two Confederates That if Plymouth Consent, then the whole treaty as it stands in these present articles is and shall continue firme and stable without alteracon : But if Plymouth come

not in, yet the other three Confederates doe by these presents confirme the whole Confederacon and all the Articles thereof: onely n September next when the second meeting of the Comissioners is to be at Bostone, new consideracon may be taken of the sixt Article which concernes number of Comissioners for meeting and concluding the affaires of this Confederacon to the satisfaccon of the Court of the Massachusetts, and the Comissioners for thother two Confederates but the rest to stand vnquestioned. In testimony whereof the Generall Court of the Massachusetts by their Secretary and the Comissioners for Conectacutt and New-Haven haue subscribed these presente articles this xixth of the third month commonly called May Anno Domini 1643.

At a Meeting of the Comissioners for the Confederacon held at Boston the seaventh of September. It appeareing that the Generall Court of New Plymouth and the several Towneships thereof have read considered and approoved these articles of Confederacon, as appeareth by Comission from their Generall Court beareing Date the xxixth of August 1643 to Mr. Edward Winslowe and Mr. Will. Collyer to ratifye and confirme the same on their behalf wee therefore the Comissioners for the Mattachusetts Conecktacutt and New Haven doe also for our seueral Gouvernements subscribe vnto them.

JOHN WINTHROP	Governor Massachusetts
THO. DUDLEY	THEOPH. EATON
GEO. FENWICK	EDWA. HOPKINS
THOMAS GREGSON.	

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ARTICLES OF CONFEDERATION BETWEEN THE PLANTATIONS  
UNDER THE GOUERMENT OF THE MASSACHUSETTS THE  
PLANTATIONS VNDER THE GOVERNMENT OF NEW PLY-  
MOUTH; AND THE PLANTATIONS VNDER THE GOVERNMENT  
OF CONECTICOTT;

Whereas wee all came into these partes of America with one and the same end and aime viz. To advance the kingdome of our Lord Iesus Christ; and to Injoy the Liberties of the Gospell in puritie with peace; And wheras in our settleing by a wise providence of God wee are further dispersed vpon the sea coasts and Riuers then was first intended; soe that wee cannot according to our desire with



conuenieneye communicate in one Gouernment and Iurisdiction ; and whereas wee are compassed with people of seuerall nations and strange languages ; which heerafter may proue injurious to vs and our posteritie and forasmuch as the natiues haue formerly comited sundry insolencies and outrages vpon seuerall Plantations of the English ; and haue seuerall times combined themselues against vs ; and seeing by reason of our distance from England (our deare natiue Countrey) wee are hindred both from that humble way of seeking aduice and reaping those comfortable fruites of protection which wee might otherwise well expect ; wee therefore account it our duty as well as safety To enter into a confederation for mutuall heelp and succor in all our future concernsments ; that as in nation and religion ; soe in other respects ; wee be and continew one ; according to the tenure and true meaning of the Insueing articles ;

1. Wherefore it is agreed and concluded by and between the parties or Iurisdicions abouenamed and they doe Ioyntly and seuerally by these presents agree and conclude that they all be and henceforth be called by the name of the vnited Collonies of New England ;

2. The said vnited Collonies for themselues and their posterities doe Ioyntly and seuerally heerby enter into a feirme and perpetuall League of friendship and amity ; mutuall aduise and succor vpon all Just occasions ; both for preserueing and propagateing the truth and liberties of the Gospell and for their owne mutuall safety and welfare ; provided notwithstanding that the power of determination of an offenciue Warr properly soe called (soe as to engage the Collonies therin) shalbe in the seuerall Generall Courts of the aforementioned Confeederates ;

3. It is agreed that the plantations which att present are or heerafter shall be settled within the Lymetts of the Massachusetts shalbe for euer vnder the Gouerment of the Massachusetts and haue peculiar Iurisdiction amongst themselues as an Intire body and that Plymouth and Conecticott each of them in all Respects haue the like peculiare Iurisdiction and Gouerment within their Lymetts ; according to their Respective Letters Patents from his Majestie provided that noe other Iurisdiction shall heerafter be taken in as a distinct head or member of this Confederation ; nor shall any other plantation or Iurisdiction in present being and not alreddy in Combination or vnder the Iurisdiction of any of these Confeederates Ioyne in one Iurisdiction without the consent of the seuerall Generall Courts of the aboue named Confeederates ;

4. It is alsoe agreed that for the manageing and concluding of all affaires proper to and concerning the whole Confeaderation (not excepted against in these articles) two Comissioners shalbe chosen by and out of each of these three Iurisdictions, viz. two for the Massachusetts two for Plymouth and two for Conecticott ; (being all in Church fellowship with vs) whoe shall bringe full power from their Generall Courts Respectiue to heare examine and weigh and determine the same ; But if these six Comissioners when mett shall not all agree yett it is concluded that any fve of the six agreeing shall haue power to settle and determine the case in controuercye but if fve doe not agree ; That then such propositions with their Reasons soe farr as they haue bine debated be sent and Referred to the seuerall Generall Courts ; and if by all the said Courts there be a concurrence in the matter soe Referred then to be accordingly procecutud by all the confederates and all their Members ;

5. It is further agreed that the Comissioners for the vnited Colonies shall meet but once in three yeeres except in cases extraordinary which meetings shall euer be on the first Thursday in September and that the next meeting after the date of these presents shalbe att Plymouth which shalbe accounted the first meeting the second att Boston ; the third att Hartford ; the fourth att Boston ; the fift att Hartford ; and soe the meeting wilbe but once in fifteen yeers att Plymouth and double soe often in the other Collonies if in the mean time some middle place be not found out and agreed on which may be comodious to all ;

6. It is further agreed that att each meeting of these six Comissioners whether ordinary or extraordinary they may chose their Presedent out of themselves ; whose office and worke shalbe to take care and direct for order and a comly carrying of all proceedings in the present meeting ; But hee shalbe Inuested with noe such power by which hee may hinder the propounding or progresse of any busines or any way cast the scales otherwise then in the present articles is agreed ;

7. It is alsoe agreed that the Comissioners for this confederation heerafter att their meetings whether ordinary or extraordinary as they may haue Comission or oppertunitie may consult of and propose to the seuerall Generall Courts to be by them allowed and established such orders in generall cases of a Civill nature wherein all the plantations are Interested ; for preserueing peace amongst themselves ; and preuenting as much as may be all occations of warr and differences

with others ; as about the free and speedy passage of Iustice in each Iurisdiction to all the confederates equally as to their owne ; Receiving of those that Remove from one plantation to another ; how all the Iurdictions may carry towards the Indians that they neither grow Insolent nor be Injured without due satisfaction least warr break in vpon the Confederates through such miscarriages ; It is alsoe agreed that if any seruant Run away from his master into any of these confederated Iurdictions That in such case vpon the certificate of one Magistrate in the Iurisdiction out of which the said seruant fled or vpon other due Proffe ; the said seruant shalbe deliuered either to his Master or any other that pursues and bringes such Certificate or proffe ; and that vpon the escape of any prisoner whatsoever or fugatiue for any criminall cause whether breakeing prison or giting from the officer or otherwise escapeing upon the Certificate of one Magistrate of the Iurisdiction out of which the Escape is made that hee was prisoner or such an offender att the time of the escape ; The Magistrates or some of them of that Iurisdiction where for the present the said prisoner or fugatiue abideth shall forthwith graunt such a warrant as the case will beare for the apprehending any such person ; and the deliuering of him or her into the hand of the pursuer and if heelp be required it shalbe graunted, hee paying the charge therof ;

8. It is further agreed that for the disposing of the Indian Stocke for the future the choice of the Comissioners of the seuerall Colonies being annually as formerly The Comissioners of the Massachusetts with such others as shalbe present or any three of the Comissioners meeting yearly att Boston or elsewhere as they shall agree and at the vsuall time They may doe any acte for the manageing and ordering of that affaire as though all the Comissioners were present ; and what they shall doe heerein they shall keep a true Record therof ; and transmit the account of the same from time to time to the trianvall meeting of the Comissioners ;

9. It is agreed alsoe by these confederates That the charge of all Iust Warrs whether offenciuie or defenciuie vpon what parte or member of this confederation soener they fall shall both in men proissions and all other Disbursements be bourne by all the partes of the confederation in different proportions according their different abilities viz : that the Rule for proportioning men and Raiseing of monyes for the defraying of such charges as may from time to time arise vpon any warr defenciuie or offenciuie begun and carryed on according

to the articles of confederation shalbe as followeth ; The Massachusetts one hundred Plymouth thirty Conecticott sixty ; and this Rule to continew for fifteen yeers next coming after the begining of the meeting of the Comissioners, to be held att Plymouth in September next ; and then if any one or more of the confederates shall apprehend the abouesaid proportion to bee vnequall that then matters shalbe againe considered ; by the Comissioners and what they shall agree vpon shalbe presented to the seuerall Generall Courts for their acceptance and confeirmation ; each Iurisdiction or plantation being left to their owne Iust course and custome of Rateing themselves and people and that according to the different charge of each Iurisdiction and plantation The whole aduantage of the warr if it please God soe to blesse their Indeuors whether it be in lands goods or persons shalbe proportionably deuided amongst the said confederates ;

10. It is further agreed that if any of these Jurisdictions or any Plantation vnder them be invaded by any enemie whomsoever vpon any notice or request of any three Majestrates of that Jurisdiction soe invaded the rest of the Confederates without any further meeting or expostulation shall forthwith send aide to the Confederate in danger but in different proportions viz : The Massachusetts one hundred men sufficiently armed for such a service and expedition Plymouth thirty men soe armed and provided and Conecticott sixty men so armed and provided ; or any lesse number if lesse be required ; according to this proportion ; but if such confederate in danger may be supplied by the next confederate not exceeding the numbers heerby agreed ; they may craue healp there and seeke noe further for the present ; the charge to be bourne by the seuerall Colonies according to their proportions abouesaid ; and att their returne to be victualled and supplied with powder and shott if there be need for their journey by that Jurisdiction that Employed or sent for them ; but in any such case of sending men for present aide whether before or after such order or alteration ; It is agreed that att the meeting of the Comissioners for this Confederation the cause of such warr or Invasion be duely considered ; and if it appeer that the fault lay in the parties soe invaded that then that Jurisdiction or plantation make just satisfaction both to the Invaders whom they haue injured ; and beare all the charges of the warr themselves without requiring any allowance from the Rest of the Confederates towards the same ;

11. And for that the justest warr may be of dangerous conse-

quence especially to the smaller plantations in those vnited Collonies ; It is agreed that neither the Massachusetts Plymouth nor Conecticott nor any of the members of any of them shall att any time heer-after begin vndertake or engage themselues or this Confedarration in any warr whatsoever (suddaine exegencies with the nessesarie consequences therof excepted ; which are alsoe to be moderated as much as the case will permitt) without the consent of the seuerall Generall Courts of the vnited Collonies ;

12. It is alsoe agreed that incase of any suddaine exegencies or other waighty occasions requiring the meeting of the Comissioners before the ordinary time the Gouvernor or any three Majestrates of any of the confederate Jurisdctions may summon a meeting of the Comissioners ; briefly signifying the occation therof and the time and place of the meeting which shalbe accordingly attended by the Comissioners of all the confederate Jurisdctions ; and when mett they may adjourn to any other time or place as they shall see meet ;

13. It is alsoe agreed for settleing of vagabonds and wandering persons remoueing from one Collonie to another to the dissatisfaction and burthen of the places where they come as dayly experience sheweth vs ; for the future it is ordered, that wher any person or persons shalbe found in any Jurisdiction to haue had their abode for more then three monthes and not warned out by the authoritie of the place ; and incase of the neglect of any person soe warned as abouesaid to depart ; if hee be not by the first opportunitie that the season will permitt sent away from Constable to Constable ; to the end that hee may be returned to the place of his former aboad ; euery such person or persons shalbe accounted an Inhabitant where they are soe found, and by them gouerned and provided for as their condition may require and in all such cases the Charge of the Constables to be bourne by the Treasurer where the said Constables doe dwell ;

14. It is agreed that if any of the Confederate shall heerafter break any of these present articles or be in any other way injurious to any of the confederat Jurisdctions such breach of agreement or injury shalbe duely considered and ordered by the Comissioners for the other Jurisdctions ; that both peace and this Confederation may be preserued without violation ;

15. Wheras in the former Articles agreed vpon May the 29th. 1643 for the vnited Collonies aboue named Newhauen is therein mentioned and was owned as a distinct Confederate and is by these included and concluded as one with Conecticott, the abovesaid vnion

shall alwaies be interpreted as by their owne Confession and not otherwise ;

Now whereas for many years past vpon diuers good Considerations there was a Confeaderation agreed vpon by the antient English Colonies under his Majesties Authoritie in New England for mutuall heelp support and defence ; as alsoe for the better maintaining his Majesties Interest against any opposition or incursion of the barbarous natives and others as appeereth by articles that were agreed vpon in the year 1643 and are vpon Record to bee seen wherby the said Collonies haue bin soe vnited as haue proued very beneficiall to all his Majesties subjects in these partes for their peace and securitie ; And whereas the seuerall Generall Courts of the said Collonies haue seen cause to renew the said Confeaderation ; with some nessesary alteration and addition to the said Articles as is more fully expressed in the Articles aboue written ; and also whereas the Generall Court for the Massachusetts Collonie by their Comission dated in Boston in August 1672 haue nominated Thomas Danforth Esqr. and Major Willam Hawthorne Esqr. their Comissioners Inuesting them with full power and authoritie to signe ratify and confeirme the aboue Recited Articles of Confeaderation ; And in like manor the Generall Court held att Plymouth June the fift 1672 haue nominated Thomas Prence Esqr. and Major Josias Winslow Esqr. Inuesting them with like power ; And the Generall Court of Connecticott Collonie held att Hartford May the 9th. and June the 26th. 1672 haue in like manor nominated John Winthorpe Esqr. and James Richards Esqr. Investing them with like power ; The abouesaid Comissioners being assembled att Plymouth September the fift 1672 haue read and examined these aboue written Articles, doe according to their said Comissions ; and by vertue thereof clearly and absolutely ratify and confeirme the same ; for the Reestablishing of a perpetuall Confeaderation between the abouenamed Collonies ; as was the declared intentions of the former Articles : In confeirmation wherof, the Comissioners aboue named, by the authoritie graunted vnto them from their seuerall Generall Courts ; and in their name and sted, haue heervnto subscribed their hands In Plymouth September the fift 1672 ;

JOHN WINTHORPE  
JAMES RICHARDS  
THOMAS PRENCE

JOSIAS WINSLOW  
THOMAS DANFORTH  
WILLAM HAWTHORNE

PROCEEDINGS OF THE GENERAL COURT RELATIVE TO THE  
CONFEDERATION OF THE COLONIES, AND THE APPOINTMENT  
OF THOMAS PRENCE COMMISSIONER TO SETTLE GOVERN-  
MENT AT KENNEBECK.

Att the generall Court holden at New Plymouth the seventh of March 1653 before William Bradford gentleman Governor Thomas Prence Myles Standish Timothy Hatherley John Browne John Alden and Thomas Willett gentlemen Assistants, &c.

The deputies of each Towne appeering according to the Summons directed to each Towne for that purpose ; The occasion for sending for them was declared, viz. That whereas a Letter hath been som time sence Received from the generall court of the Massachusetts concerning the Confeaderacon of the vnited Collonies whereunto an answare was Required to bee made accordingly the court framed an answare and ordered that in there name it should bee sent with the first conveniency.

2. That wheras sundry have Intrenched vpon the Liberties of the trad belonging to vs att Kennebeck ; and whereas also Letters Patents have been granted and sent over from the honorable Court of Parliament and Counsell of State thereby giving and graunting vnto this Jurisdiction the aforesaid Liberties of Trad in the aforesaid River with enlargement as alsoe Requiring that such due course should bee taken as that the English Residing in the said River should bee orderly governed and carried on in a way of peace for their comon good in civill concernments The Court taking the premisses into due and serius consideracon did constitute, authorise and comissionate Mr. Thomas Prence one of the honoured magistrates of this Jurisdiction with full and ample power to summons all and every the Inhabitants as he shall see meet dwelling within the aforesaid River of Kennebeck vnto some convenient place to receive from him such Instructions and orders extant which he hath Received from the aforesaid generall court full power to require their observance of with full power alsoe to assume vnto himselfe any other person or persons whatsoever to bee assistant vnto him in the premisses.

INSTRUCTIONS FROM THE GENERAL COURT TO THOMAS PRENCE,  
ESQ. COMMISSIONATED FOR THE ERECTING SOME ORDERLY  
GOVERNMENT AMONGST THE INHABITANTS OF THE RIVER OF  
KENNEBECKE.

1. That vpon their appeerance att his summons hee tender and Require them to take the oath of fidelitie for the State of England and this present Government of New Plymouth ;

2. That hee acquaint them with the body of lawes of this government, our Intention being not to expect their strict obseruance of every thing peculiere to our selves but considering the distance of the place wee doe allow them libertie to make choise of such to bee assistant to our Comissioner as he shall approve of for the making of such further orders as may best conduce to their welfare.

3. That none bee allowed for Inhabitants their but such as will take the oath of fidelitie as abovesaid.

4. That such persons onely as have taken the said oath of fidelitie shall acte in the choise of such as may be assistant to our Comissioner as aforesaid in making and executing such orders as may bee thought fitt to bee established amongst them ; and the said Assistants to acte as if they were actually freemen for the present vntill further order bee taken.

The oath to bee taken of all such Inhabitants as shalbee allowed to reside in the liberties of this Government att the River of Kennebecke is as followeth.

You shalbe true and faithfull to the State of England as it is now established and whereas you choose att present to Reside within the Government of New Plymouth you shall not doe or cause to be done any acte or actes directly or indirectly by land or water that shall or may tend to the destruction or overthrow of the whole or parte of this government that shalbee orderly erected or established ; but shall contrary wise hinder oppose and discover such entents and purposes as tend thereunto to those that are in place for the time being that the Government may be enformed thereof with all convenient speed ; you shall also submitt and observe all such good and wholesome lawes ordinance and officers as are or shalbee established within the several Limitts thereof ; soe help you God whoe is the God of truth and punisher of falshood.



## GOVERNMENT ESTABLISHED AT KENNEBECK.

Whereas itt hath pleased the Right honorable the counsell of State of the common Wealth of England notwithstanding their many great and weighty occasions to take into consideracon the condition of the English inhabiting vpon or neare adjoyning vnto the River commonly called Kenibeck whoe by Reason of Remoteness from other Jurisdiccions and their owne pawcitie and fewnes have not hetherto enjoyed the benifit of Gouverment noe doubt to the great greife of all well affected English It hath now pleased the Right honorable Counsell of State by authoretie of Parliament to confer the Gouverment of the aforesaid Inhabitants vpon the Jurisdiction of New Plymouth the first Inhabitants and Gouverment in those partes as by their Letters Patents doth appeer.

In pursuance wherof and by vertue of the aforesaid authoritie graunted to Willam Bradford and his Associates the said Willam Bradford and his associates at a generall Court held at New Plymouth gave full power and authoritie to Mr. Thomas Prence one of the assistants in the aforesaid Gouverment for the settling of a Gouverment vpon the said River Kennebecke by vertue whereof the said Thomas Prence Issued out a warrant directed to the Marshall of New Plymouth bearing date the 15th of May 1654 requiring the Inhabitants vpon the said River to make their personall appeerance at the House of Thomas Ashley at Merry Meeting vpon the 23d of that present month att which time and place the People Generally assembled and after publishing of the aforesaid authoritie the Inhabitants here vnder written have taken the oath of fidelitie viz.

Thomas Purchase gentn.	John Browne
John Stone	Willam Davis
Thomas Ashley	Thomas Weber
John Richards	Thomas Atkins
James Smith	James Coale
Willam James	John Parker
Thomas Parker	Emanuel Hughes
John White	Alexander Thawyt.

Orders made and agreed vpon at the same Meetinge.

1. That all Capitall Crimes and trialls vpon life and death bee Referred to the Generall Court att Plymouth.

1. Treason against the Commonwealth of England or these Colonies.
2. Willfull murther.
3. Sollem Conversing or compacting with the Divil by way of Conjurecon or the like.
4. Willfull or purposed burning of Houses.
5. Sodomy Rapes and Buggery.
6. That adultery be tried att Plymouth.
7. That Theft bee punished by restitution of three or 4 fold according to the nature of the offence and according to the discretion of the assistants.
8. That if any person or persons drinke themselves drunke for the first default 5s for the 2cond 10s and the 3d time bee sett in the stocks.
9. Wilfull Prophaning of the Lords day to be punished according to the discretion of the assistants.
10. Whereas there hath been great abuses in trading wine and other strong Liquors with the Indians wherby they drinke themselves drunke, and in their drunkenness comitt much horrid wickedness as murdering their nearest Relations &c as by sadd and woefull experience is made manifest, It is therefore ordered that noe person or persons whatsoever from this time Trad any strong Liquors directly or indirectly to the Indians within this Jurisdiction vpon the forfeiture of the dubble vallow of goods soe traded for their first default and four fould for their 2cond default in that kind and for the third default if an Inhabitant to lose the priviledge of tradinge with the Indians for the future ; and for any stranger that shall come to trade or comerce with the English or any other that have not taken the oath of fidelitie to the commonwealth of England and this present Gouverment and yett Reside within the Limits of this Jurisdiction or any parte therof for the Present, for their first default in that kind to forfeite the summe of ten pounds sterling to be Levied vpon their goods or estate that shallbee found within this Jurisdiction or any parte therof and for the 2cond default 20lb. sterling to bee levied as aforesaid ; The one halfe of all such penalties to be disposed of to the persons enforming and the other halfe to the publicke vses.
11. That fishing and fowling be free to all the Inhabitants as formerly,
12. That if any Indian or Indians bring beaur or moose to any

of the Inhabitants of this River, within their owne limitts they may trad freely with them as formerly provided it bee not for such things as are prohibited.

13. That there bee no action tried att this court exceeding 20lb. sterling vnlesse by the consent of both parties and in case any greater action doe arise, then the case to be tryed att the generall court att Plymouth.

14. It is agreed that the next court is to be holden the 3d day of the weeke following the 20th of may next att the house of Thomas Ashley.

15. That all actions betwixt partie and partie bee tryed by the verdict of 12 men.

#### ESTABLISHMENT OF A MILLITARY COMPANY.

AUG. 29, 1643.

The Court hath allowed & established a military discipline to be erected and mayntained by the Towns of Plimouth Duxborrow and Marshfield and have also heard their orders and established them—viz—

#### ORDERS.

1. That the exercise be alwayes begun and ended with prayer.
2. That there be one procured to preach them a sermon once a yeare, viz at the eleccion of their officers and the first to begin in Sept<sup>r</sup> next.
3. That none shalbe received into this Millitary Company but such as are of honest and good report & freemen not servants, and shalbe well approved by the Officers and the whole Company or the major part.
4. That every person after they have recorded their names in the Millitary List shall from tyme to tyme be subject to the Comaunds and Orders of the Officers of this Millitary Company in their places respectively.
5. That every delinquent shalbe punished at the discretion of the Officers and the Millitary Company or the major part thereof according to the order of Millitary discipline & nature of the offence.
6. That all talking and not keepeing sylence during the time of

the exercise jereing quarrelling fighting dep'ting collers w<sup>th</sup>out lycence or dismission &c or any other misdemeanor, (so adjudged to be by the Officers and the Company or the maj<sup>r</sup> pt thereof) to be accounted misdemeanors to be punished as aforesaid.

7. That every man that shalbe absent (except he be sick or some extraordinary occation or hand of God upon him) shall pay for every such default II<sup>s</sup>. And if he refuse to pay it upon demaund or within one month after then to appear before the Company and be distrayned for it and put out of the list.

8. That if any man shall (upon the dayes appoynted) come w<sup>th</sup>out his armes or w<sup>th</sup> defective armes shall forfeite for every trayneing day as followeth—

For want of a musket or a peece approved every time -	-	-	VI <sup>d</sup>
For want of a sword -	-	-	VI <sup>d</sup>
For want of a vest -	-	-	VI <sup>d</sup>
For want of bandelires -	-	-	VI <sup>d</sup>

Six months tyme given to p<sup>r</sup>vide in.

9. That every man that hath entred himself upon the military list and hath not sufficient armes & doth not or will not p<sup>r</sup>cure them w<sup>th</sup>in six months next ensuing his name to be put out of the list.

10. That there be but sixteene pikes in the whole company (or at the most for the third pt) viz—VIII for Plimouth VI for Dux-borrow and II for Marshfield

11. That all that are or shalbe elected chiefe Officers in this Military Company shall be so titled and forever afterwards be so reputed except he obtayne a higher place.

12. That every man entred into the Millitary list shall pay VI<sup>d</sup> the quarter to the use of the Company.

13. That when any of this Millitary Company shall dye or depart this life the company upon warneing shall come together with their armes and inter his corpes as a souldier and according to his place and quallytye.

14. That all that shalbe admitted into this Millitary Company shall first take the oath of fydellyty if they have not taken it already or els be not admitted.

15. That all postures of pike and musket, motions rankes and files &c messengers skirmishes seiges batteries watches sentinells &c bee alwayes p<sup>r</sup>formed according to true millitary discipline.

16. That all that will enter themselves upon this Company shalbe propounded one day received the next day if they be approved.

“THE PROPOSITIONS MADE BY HIS MAJESTY’S COMMISSIONERS,  
TO THE GENERAL COURT OF [NEW PLYMOUTH] HELD AT  
PLYMOUTH, FOR THE JURISDICTION OF NEW PLYMOUTH, THE  
22D OF FEBRUARY, ANNO DOM. 1665.

1. That all householders, inhabiting in the Colony, take the oath of allegiance, and the administration of justice be in his Majesty’s name.

2. That all men of competent estates and civil conversation, though of different judgments, may be admitted to be freemen, and have liberty to choose and to be chosen officers, both civil and military.

3. That all men and women, of orthodox opinions, competent knowledge and civil lives (not scandalous) may be admitted to the Sacrament of the Lord’s supper, and their children to baptism, if they desire it ; either by admitting them into the congregations already gathered ; or permitting them to gather themselves into such congregations, where they may have the benefit of the sacraments.

4. That all laws and expressions in laws, derogatory to his majesty, if any such have been made in these late troublesome times, may be repealed, altered, and taken off from the file.

#### THE COURT’S ANSWER.

1. To the first we consent, it having been the practice of this court, in the first place, to insert in the oath of fidelity required of every householder, to be truly loyal to our sovereign Lord the king, his heirs and successors. Also to administer all acts of justice in his Majesty’s name.

2. To the second we also consent, it having been our constant practice to admit men of competent estates and civil conversation, though of different judgments, yet being otherwise orthodox, to be freemen, and to have liberty to choose and be chosen officers both civil and military.

3. To the third we cannot but acknowledge it to be a high favour from God and from our sovereign, that we may enjoy our consciences in point of God’s worship ; the main end of transplanting ourselves into these remote corners of the earth, and should most heartily rejoice, that all our neighbours so qualified as in that proposition, would adjoin themselves to our societies according to the order of

the gospel, for enjoyment of the sacraments to themselves and theirs, but if, through different persuasions respecting church government, it cannot be obtained, we would not deny a liberty to any according to the proposition, that are truly conscientious, although differing from us, especially where his majesty commands it, they maintaining an able preaching ministry for the carrying on of public sabbath worship, which, we doubt not, is his Majesty's intent, and withdraw not from paying their due proportions of maintenance to such ministers, as are orderly settled in the places, where they live, until they have one of their own, and that in such places, as are capable of maintaining the worship of God in two distinct congregations. We being greatly encouraged by his Majesty's gracious expressions in his letter to us, and your honour's further assurance of his Royal purpose, to continue our liberties, that where places, by reason of our paucity and poverty, are incapable of two, it is not intended, that such congregations as are already in being should be rooted out, but their liberties preserved, there being other places to accommodate men of different persuasions in societies by themselves, which, by our known experience, tends most to the preservation of peace and charity.

4. To the fourth, we consent that all laws and expressions in laws derogatory to his majesty, if any ~~see~~ shall be formed amongst us, which at present we are not conscious of, shall be repealed, altered and taken off from the file.

*By order of the General Court*

*For the Jurisdiction of New Plymouth,*

Per me, NATHANIEL MORTON, SECRETARY.

The league between the four colonies was not with any intent, that ever we heard of, to cast off our dependence upon England, a thing which we utterly abhor, intreating your honours to believe us, for we speak in the presence of God.

*New Plymouth, May 4th, 1665.*

The Court doth order Mr. Constant Southworth, treasurer, to present these to his Majesty's commissioners at Boston with all convenient speed."

The above propositions and answers are inserted, with some variations, in Hutchinson's History of Massachusetts, Vol. I. 214. The remark respecting the union between the Colonies, is not on the Colony records, it was inserted at the close of the copy delivered

to the Commissioners, in conformity to a letter from the Commissioners, written to Governour Prince, after they had left Plymouth. [See Hist. Coll. V. 192.] The conditions expressed in the answer to the third proposition, appeared so reasonable to the Commissioners, that when they afterward met the General Assembly of Connecticut, in April 1665, their third proposition is qualified, in substance, conformably to the Plymouth reply.

[*Morton's Memorial, Davis' ed. p. 417.*]

SEVERALL CONCLUSIONS AGREED ON BY THE COUNCILL OF  
WARR ATT THEIRE MEETING HELD ATT PLIMOUTH ON THE  
23 OF AUGUST 1671 AS FOLLOWETH :

1. The Councill of Warr haveing seriously considered of the Case in Reference to the Phillipe the Chiefe Sachem of Poconacutt ; he haveing neglected to answare his Ingagement to bringe in his Armes att the day appointed ; and alsoe in his not coming in to give the reason therof being required thereunto ; and his unkind Carriages towards us as otherwise soe in his Indeavoring to Insense our Neighbour Collonie against us by misinformations and by his Insolent Carriages and expressions of us and against us and likewise by his entertaining of many strange Indians which might portend danger towards us : In speciall by his entertaining of divers Saconett Indians professed enemies to this Collonie ; and this against good Councell given him by his best frinds : The premises considered doe unanimously agree and conclude that the said Phillipe hath violated and Covenant plighted with this Collonie at Taunton in Aprill last.

2. It is unanimously agreed and concluded by the said Councell that wee are Necessarily called to cause the said Sachem to make his personall appearance to make his purgation in reference to the premises, which incase of his refusall, The Councell according to what att present appears doe determine it Necessary to Indeavor his reducement by force ; and inasmuch as the Controversy which hath seemed to ly more emediatey between him and us doth concerne all the English plantations ; It is therefore determined to State the Case to our Neighbour Collonies of the Massachusetts and Rhode Iland ; and if by there waighty advice to the contrary, wee are not diverted from our present determinations to signify unto them that if they looke upon themselves concerned to engage in the Case with us

against a common enimie : It shalbe well accepted as a Naighbourly kindness, which wee shall hold ourselves obliged to repay when Providence may soe dispose that wee may have opportunitie—

Accordingly letters were dispatched and sent from the Councell ; one unto the said Phillipe the said Sachem to require his personall appeerance att Plymouth on the 13th day of September next in reference to the particulars above mencioned against him : This letter was sent by Mr James Walker one of the Councell and he was ordered to request the Companie of Mr Roger Williams and Mr. James Browne to goe with him att the delivery of the said letter.

And another letter was sent to the Govr and Councell of the Massachusetts by the hands of Mr John Freeman, one of our Magistrates.

And a third was directed to the Gov. & Councell of Rhode Iland and sent by Mr Thomas Hinckley and Mr Constant Southworth two other of our Majestrates who are ordered by our Councell with the letter to unfold our present State of matters relateing to the premises and to Certify them alsoe more certainly of the time of meeting together in reference to engagement with the Indians ; if there be a going forth which wilbe on the 20 of September next :

It was further ordered by the Councell that those formerly pressed shall remaine under the same Impressment untill the next meeting of the said Councell on the 13<sup>th</sup> day of September next soe alsoe untill the Intended expedition is issued, unless they shall see cause to alter them or adde or detract from them as occasion may require :

And that all other matters remaine as they were in way of preparation to the said expedition untill we shall see the mind of God further by the particulars forenamed, improved for that purpose.

It was further ordered by the Councell That all the Towns within this Jurisdiction shall in the Interem be sollicitously Carefull to provide for their safety by convenient watches and wardings and carrying their Armes to the meetings on the Lords dayes in such manor as will best stand with their particulars and Comon safety.

And in particular they ordered that a guard shalbe provided for the safety of the Gov<sup>rs</sup> person during the time of the above named troubles and expeditions.

And the Councell were summoned by the Presedent to make their personall appeerance att Plymouth on the thirteenth day of September next to attend such further business as shalbe then presented by Providence in reference to the premises.



On the 13<sup>th</sup> of September 1671, The Councell of Warr appeered according to theire Sumons but Phillipe the Sachem appeered not but insted therof repaired to the Massachusetts and made complaint against us to divers of the Gentlemen in place there whoe wrote to our Gov<sup>r</sup> by way of p<sup>r</sup>suation to advise the Councell to a Complyance with the said Sachem ; and tendered theire help in the acheiving therof, declaring in sume that they resented not his Offence soe deeply as wee did and that they doubted whether the Covenants and engagements that Phillip and his predecessors had plighted with us would plainly Importe that hee had subjected himselfe and people and Country to us any further then as in a Naighborly and frindly Correspondency.

The Councell having deliberated upon the premises dispatched away letters declareing theire thankfull acceptance of theire kind proffer and Invited the Comissioners of the Massachusetts and Conecticut (they then being in the Bay) and some other gentlemen to come to Plymouth and aford us theire help, and accordingly on the 24<sup>th</sup> of September 1671, Mr. John Winthroe Gov<sup>r</sup> of Conecticut Major Generall Leverett Mr Thomas Danforth Captaine William Davis with divers others came to Plymouth and had a faire and deliberate heareing of the Controversy between our Collonie and the said Sachem Phillip hee being personally present ; there being alsoe competent Interpreters both English and Indians ; att which meeting it was proved by sufficient testimony to the conviction of the said Phillip and satisfaction of all that Audience, both the said gentlemen and others ; That hee had broken his Covenant made with our Collonie att Taunton in Aprill last in divers particulars, as alsoe carried very unkindly unto us divers wayes :

1. In that hee detained and neglected to bringe in the resedue of his English Armes not delivered att Taunton according to his engagement and that notwithstanding hee was allowed competent time ; yea his time enlarged yett hee neglected as aforesaid and instead of bringing them in Improved the opportunity of time rather to make them out of the way.

2. That hee had carried Insolently and proudly towards us on severall occations in refusing to come down to our Court (when sent for) to have speech with him To procure a right understanding of matters in difference betwixt us.

3. That hee entertained harbored and abetted divers Indians (not of his own men) which were Vagabonds our professed enimies whoe leaving theire own Sachem repaired to him and were harbored ;

4. That notwithstanding the great wronge hee had done unto us in these and such like respects instead of repairing to the Court and to endeavour a reconcilliation, hee takes his Journey into the Massachusetts bay with severall of his Councell Indeavouring to insinuate himselfe into the Majestrates and to misrepresent matters unto them; whoe are our good frinds and Naighbours and what in him lay; therby to make mischief and difference between them and us.

5. That hee had shewed great Incivillitie to divers of ours att severall times in speciall unto Mr James Browne whoe was sent by the Court on speciall occation as a messenger unto him; and unto Hugh Cole att another time &c;

The Gentlemen forenamed takeing notice of the premises; haveing fully heard what the said Phillip could say for himselfe haveing free libertie soe to doe without Interruption; Adjudged that hee had don us a great deal of wronge and injury (respecting the premises) and alsoe abused them by carrying lyes and falce storyes to them and soe misrepresenting matters unto them; and they p'suaded him to make an acknowledgment of his fault and to seek for reconcilliation expressing themselves; that there is a great difference between what hee asserted to the Gov'ment in the bay and what hee could now make out concerning his pretended wronges and such had been the wronge and damage that hee had done and procured unto the Collonie as ought not to be bourne without competent reparation and satisfaction; yea that hee by his Insolencies had (in probabilitie) occasioned more mischeife from the Indians amongst them then had fallen out in many yeares before; They p'suaded him therefore to humble himselfe unto the Majestrates and to amend his wayes if hee expected peace and that if hee went on his refractory way hee must expect to smart for it; the particulars wherof are more att large to bee seen in a full discourse between our Majestrates and the Gentlemen aforesaid and him (which is extant).

In fine severall propositions were drawne up and read unto which hee was left to accept of or reject as hee should see cause in reference unto his entering into a New Covenant with us; and alsoe in reference to a way of reparation of some pte of the wronge don unto us: The Contents wherof are as followeth by him accepted of and signed unto.

*New Plymouth this 29 of September 1671.*

1. Wee Phillip my Councell and my subjects doe acknowledge ourselves subjects to his Matie the Kinge of England &c and the Gov'ment of New Plymouth and to thaire lawes.

2. I ame willing and doe promise to pay unto the Gov<sup>r</sup>ment of New Plymouth one hundred pounds in such thinges as I have ; but I would Intreat the favor that I might have three yeares to pay it in ; forasmuch as I cannot doe it att present—

3. I doe promise to send in to the Gov<sup>r</sup> or to whom hee shall appoint five wolves heads ; if I can gett them ; or as many as I can procure untill they come to the Number of five wolves yearly ;

4. If any difference falls between the English and myselfe or people then I doe promise to repaire to the Gov<sup>r</sup> of Plymouth to rectify the difference amongst us ;

5. I doe promise not to make Warr with any but with the Gov<sup>rs</sup> approbation of New Plymouth.

6. I promise not to dispose of any of the Lands that I have att present ; but by the approbation of the Government of New Plymouth ;

For the true performance of the premises I the said Phillip Sachem of Paukonaukett doe heerby bind myselfe and such of my Councell as are present ourselves our heires and successors faithfully and truely to perform. In witness wherof, wee have hereunto subscribed our hands the day and yeare above written.

the marke	P	of Phillip Sachem
the marke	T	of Wohkowpahenitt
the marke of	∇	Wuttakooseeim
the marke of	∧	Sankanuhoo
the marke of	C	Woonashum alias Nimrod
the marke of	Y	Woosposuck alias Captaine

#### THE ACT OF SURRENDER OF THE GREAT CHARTER OF NEW ENGLAND TO HIS MAJESTY.

*To all Christian People to whom this present Writing shall come :  
The President and Council established at Plymouth in the County of Devon, for planting, ruling, and governing of New England in America, send Greeting, in our Lord God everlasting.*

Whereas our late Sovereign Lord King James, of ever blessed memory, by his Highness Letters Patents under the Great Seal of England, bearing date at Westminster, the third day of November,

in the eighteenth year of his Majesty's reign of England, France, and Ireland, and of Scotland the four-and-fiftieth : Upon the motives, reasons, and causes in the said Letters Patents mentioned and contained, Did for him, his heirs, and successors, grant, ordain, establish, and confirm his then right trusty and right well beloved Cousins and Councillors Lodowick then Duke of Lenox, Lord Steward of his Household, George then Marquess of Buckingham then High Admiral of England, James then Marquess of Hamilton, William then Earl of Pembroke and then Lord Chamberlaine of his Household, who are since deceased ; Thomas now Earl of Arundell, and divers others of his Nobility and Gentry of this realme of England, therein named, to be the first and present Council established at Plymouth aforesaid, for the planting, ruling, and governing of New England in America aforesaid : And then the said then Duke of Lenox, Marquess of Buckingham, Marquess of Hamilton, Earl of Pembroke, and Earl of Arundel, and the said others of the Nobility and Gentry therein named, and the survivors of them and their successors, to be elected as in the said Letters Patents is expressed, did by the said Letters Patents incorporate, erect, ordain, name, constitute, and establish to be one body politick and corporate, in Deed and Name, by the Name of the Council of Plymouth aforesaid, in the said County of Devon, for the planting, ruling, and governing of New England in America aforesaid, to have perpetual succession, with divers other powers, priviledges, immunities, provisions, and restrictions, for the propagation and establishing of true Religion in those parts, and for the better regulating of the same plantations, as in and by the same Letters Patents, due Reference thereunto had more plainly and at large appeareth. Now Know ye that the said President and Council, for divers good causes and considerations them thereunto moving, have given, granted, assigned, yielded up, and surrendered, and by these presents do give, grant, assign, yield up and surrender unto our most gracious Sovereign Lord Charles, by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, the said Letters Patents to the Duke of Lenox, Marquess of Buckingham, Marquess Hamilton, William Earl of Pembroke, Thomas Earl of Arundel, and to the rest of the Nobility and Gentry of this kingdom therein named, for the planting, ruling, and governing of New England in America aforesaid, and all and every the liberties, licences, powers, priviledges and authorities therein and thereby given and granted, or mentioned to be given and granted, and all their and every their

right, estate, title, interest, claim, demand whatsoever of, in, and to the same Letters Patents, licences, powers, priviledges and authorities, and of, in and to, every or any part or parcell of them or any of them. In Witness whereof the said President and Council have caused their common Seal to be put to these presents, the seventh day of June in the eleventh year of the reign of our Sovereign Lord King Charles, and in the year of our Lord God, one thousand six hundred thirty five.

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THE AGREEMENT FOR THE BOUNDS BETWIXT PLYMOUTH AND  
MASSACHUSETTS.

Whereas there were two Comissions graunted by the two Jurisdiccons the one of the Massachusetts Gourment graunted vnto John Endicot gentlem. and Israel Staughton gent. the other of New Plymouth Gourment to Will<sup>m</sup>. Bradford Esq<sup>r</sup>. Governor and Edward Winslow gent. And both these for the setting out setling & determining of the bounds and limmitts of the lands betweene the said Jurisdiccons whereby not only this p<sup>r</sup>nte age but the posteritye to come may liue quietly & peaceably in that behalf And forasmuch as the said Comissioners on both sides haue full power so to do as appeareth by the Records of both Jurisdiccons. Wee therefore the said Comissioners aboue named doe hereby w<sup>th</sup> one consent and agreement conclude determine and by these p<sup>r</sup>nts declare That all the Marshes at Conahasset that lye of the one side of the Riuer next to Hingham shall belong to the Jurisdiccon of the Mattachusetts plantacon. And all the Marsh y<sup>t</sup> lyeth on the other side of the Riuer next to Scittuate shall belong to the Jurisdiccon of New Plymouth excepting Threescore acres of marsh at the mouth of the riuer on Scittuate side next to the Sea which we do hereby agree conclude & determine shall belong to the Jurisdiccon of the Massachusetts And further we do hereby agree determine & conclude that the bounds of the limmitts between both the said Jurisdiccons are as followeth viz<sup>t</sup> from the mouth of the brooke that runneth into Conahassett Marshes (w<sup>ch</sup> we call by the name of Bound brooke) w<sup>th</sup> a straight and direct line to the middle of a great pond that lyeth on the right hand of the vpper payth or common way that leadeth between Weimouth and Plymouth close to the payth as we go

along w<sup>ch</sup> was formerly named (and still we desire may be called) Accord Pond lying about five or six miles from Weimouth southerly and from thence w<sup>th</sup> a straight line to the southernmost p<sup>t</sup> of Charles riuer & three miles southerly inward into the Country according as is exprest in the Patent graunted by his Ma<sup>tie</sup> to the Company of the Massachusetts Plantacon Prouided alwayes & neuerthelesse concluded and determined by mutuall agreement betweene the said Comissioners y<sup>t</sup> if it fall out that the said line from Accord Pond to the southernmost part of Charles Riuer and three miles southerly as is before expressed shall straiten or hinder any part of any Plantacon begunn by the Gourment of New Plymouth or hereafter to be begun w<sup>th</sup>in the space of ten yeares after the date of these p<sup>nts</sup> That then notw<sup>th</sup>standing the said line it shalbe lawful for the said Gourment of New Plymouth to assume on the Northerly side of the said line where it shall so intrench as aforesaid so much land as will make vp the quantytie of eight miles square to belong to euery such Plantacon begun or to be begun as aforesaid w<sup>ch</sup> wee agree determine and conclude to apertaine & belong to the said Gourment of New Plymouth And whereas the said line from the mouth of the said brook w<sup>ch</sup> runneth into Conahassett salt marshes (called by us bound brooke) and the pond called Accord Pond lyeth neere the lands belonging to the Townships of Scittuate and Hingham Wee doe therefore hereby determine and conclude, that if any diuisions already made and recorded by either the said Townes do crosse the said line, that then it shall stand & bee of force according to the former intents & purposes of the said Townes graunting them (the marshes form<sup>ly</sup> agreed on excepted) And that no Towne in either Jurisdiccon shall hereafter exceede, but containe themselues w<sup>th</sup>in the said lines before expressed In Witnesse whereof we the Comissioners of both the Jurisdiccons do by these p<sup>nts</sup> Indented set our hands and seales the ninth day of the fourth month in the sixteenth yeare of our Sou<sup>a</sup>igne Lord King Charles and in the yeare of our Lord 1640.

WILLIAM BRADFORD, Gour. ( )  
 EDW : WINSLOW . . . . ( )  
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## ERRATA.

<sup>v</sup> Before last paragraph on page 34, insert 1635.

On page 65, erase 1639.

<sup>v</sup> On page 323, 22d. line, read “such,” instead of “sect.”









